

Calendar No. 276

103D CONGRESS  
1ST SESSION

**S. 657**

[Report No. 103-176]

**A BILL**

To reauthorize the Indoor Radon Abatement Act of 1988, and for other purposes.

NOVEMBER 10 (legislative day, NOVEMBER 2), 1993  
Reported with an amendment

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IN THE SENATE OF THE UNITED STATES

MARCH 25 (legislative day, MARCH 3), 1993

Mr. LAUTENBERG (for himself, Mr. CHAFEE, Mr. MITCHELL, Mr. LIEBERMAN, Mr. WOFFORD, Mr. BRADLEY, Mr. MOYNIHAN, Mr. PELL, Mr. CONRAD, and Mr. SPECTER) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

NOVEMBER 10 (legislative day, NOVEMBER 2), 1993

Reported by Mr. BAUCUS, with an amendment

[Strike all after the enacting clause and insert the part printed in italic]

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**A BILL**

To reauthorize the Indoor Radon Abatement Act of 1988,  
and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Indoor Radon Abate-  
3 ment Reauthorization Act of 1993”.

4 **SEC. 2. NATIONAL GOALS.**

5 Section 301 of the Toxic Substances Control Act (15  
6 U.S.C. 2661) is amended—

7 (1) in the heading, by striking “NATIONAL  
8 GOAL” and inserting “NATIONAL GOALS”;

9 (2) by inserting “(a) RADON LEVELS.—” be-  
10 fore the first sentence of the section; and

11 (3) by adding at the end the following new sub-  
12 sections:

13 “(b) TESTING.—It is the goal of the United States  
14 that all homes, schools, and Federal buildings be tested  
15 for radon.

16 “(c) TARGET ACTION POINT.—

17 “(1) IN GENERAL.—Not later than 120 days  
18 after the date of enactment of this subsection, the  
19 Administrator shall establish a target action point  
20 indicating a level of indoor radon that the Adminis-  
21 trator determines to be as close to the national am-  
22 bient outdoor radon level as can be achieved consist-  
23 ently in single-family homes in existence at the time  
24 of the determination through the application of read-  
25 ily available and generally affordable radon mitiga-  
26 tion practices and technologies.

1           ~~“(2) REVIEW.—The Administrator shall review~~  
2           ~~the target action point periodically, but not less~~  
3           ~~often than every 5 years, and revise the target ac-~~  
4           ~~tion point as necessary.”.~~

5   **SEC. 3. DEFINITIONS.**

6           Section 302 of the Toxic Substances Control Act (15  
7   U.S.C. 2662) is amended by adding at the end the follow-  
8   ing new paragraphs:

9           ~~“(5) The term ‘Administrator’ means the Ad-~~  
10          ~~ministrator of the Environmental Protection Agency.~~

11          ~~“(6) The term ‘contract for the purchase and~~  
12          ~~sale of residential real property’ means any contract~~  
13          ~~or agreement whereby 1 party agrees to purchase~~  
14          ~~from another party any interest in real property on~~  
15          ~~which there is situated 1 or more residential dwell-~~  
16          ~~ing units used or occupied, or intended to be used~~  
17          ~~or occupied, wholly or partly, as the home or resi-~~  
18          ~~dence of 1 or more persons.~~

19          ~~“(7) The term ‘direct Federal financial assist-~~  
20          ~~ance’ means assistance in financing a residential~~  
21          ~~dwelling provided by the Federal Housing Adminis-~~  
22          ~~tration, Farmers Home Administration, and the De-~~  
23          ~~partment of Veterans Affairs.~~

1           ~~“(8) The term ‘Federal building’ means any~~  
2           ~~building that is used primarily as an office building,~~  
3           ~~school, hospital, or residence that is—~~

4                     ~~“(A) owned, leased, or operated by a Fed-~~  
5                     ~~eral agency,~~

6                     ~~“(B) occupied by the Library of Congress,~~  
7                     ~~is part of the White House, or is the residence~~  
8                     ~~of the Vice President, or~~

9                     ~~“(C) included in the definition of ‘Capitol~~  
10                    ~~Buildings’ under section 16(a) of the Act enti-~~  
11                    ~~tled ‘An Act to define the area of the United~~  
12                    ~~States Capitol Grounds, to regulate the use~~  
13                    ~~thereof, and for other purposes’, approved July~~  
14                    ~~31, 1946 (40 U.S.C. 193m(1)).~~

15           ~~“(9) The term ‘federally owned housing’ means~~  
16           ~~any residential dwelling or multiunit residential~~  
17           ~~structures owned or managed by a Federal agency~~  
18           ~~or for which a Federal agency is a trustee or con-~~  
19           ~~servator. For the purpose of this paragraph, the~~  
20           ~~term ‘Federal agency’ includes the Resolution Trust~~  
21           ~~Corporation and the Federal Deposit Insurance Cor-~~  
22           ~~poration.~~

23           ~~“(10) The term ‘multiunit residential structure’~~  
24           ~~means a building containing more than 4 separate~~  
25           ~~residential dwelling units, each such unit used or oc-~~

1       cupied, or intended to be used or occupied, wholly or  
 2       partly, as the home or residence of 1 or more per-  
 3       sons.

4           “(11) The term ‘person’ means an individual,  
 5       trust, firm, joint stock company, corporation (includ-  
 6       ing a government corporation), partnership, associa-  
 7       tion, State, municipality, commission, political sub-  
 8       division of a State, or an interstate body.

9           “(12) The term ‘residential dwelling’ means—

10           “(A) a single-family dwelling or a one-fam-  
 11       ily dwelling unit in a structure containing not  
 12       more than four separate residential dwelling  
 13       units, each such unit used or occupied, or in-  
 14       tended to be used or occupied, wholly or partly,  
 15       as the home or residence of one or more per-  
 16       sons; or

17           “(B) a single-family or one-family dwelling  
 18       unit on the subground, ground, or first-floor-  
 19       above-ground level of a multiunit residential  
 20       structure.”.

21   **SEC. 4. PRIORITY RADON AREAS.**

22       Title III of the Toxic Substances Control Act (15  
 23   U.S.C. 2661 et seq.) is amended—

1           (1) by redesignating sections 303 through 311  
 2           (15 U.S.C. 2663 through 2671) as sections 304  
 3           through 312, respectively; and

4           (2) by inserting after section 302 the following  
 5           new section:

6   **~~“SEC. 303. PRIORITY RADON AREAS.~~**

7           ~~“(a) DESIGNATION OF AREAS.—The Administrator~~  
 8           ~~shall, as expeditiously as possible, but not later than Octo-~~  
 9           ~~ber 1, 1993, designate areas as priority radon areas, and~~  
 10           ~~revise the designations, as appropriate thereafter.~~

11           ~~“(b) STANDARD FOR DESIGNATION.—The Adminis-~~  
 12           ~~trator shall designate an area as a priority radon area in~~  
 13           ~~any case in which the Administrator determines that there~~  
 14           ~~is a reasonable likelihood that the average indoor radon~~  
 15           ~~level in the area is likely to exceed the national average~~  
 16           ~~indoor radon level by more than a de minimis amount.~~

17           ~~“(c) FACTORS.—In designating priority radon areas,~~  
 18           ~~the Administrator shall consider the most current avail-~~  
 19           ~~able information at the time of the designation, includ-~~  
 20           ~~ing—~~

21           ~~“(1) the national assessment of radon con-~~  
 22           ~~ducted pursuant to section 118(k) of the Superfund~~  
 23           ~~Amendments and Reauthorization Act of 1986 (42~~  
 24           ~~U.S.C. 7401 note);~~

1           ~~“(2) surveys of school buildings conducted pur-~~  
2           ~~suant to section 308;~~

3           ~~“(3) surveys of Federal buildings conducted~~  
4           ~~pursuant to section 310;~~

5           ~~“(4) surveys of work places conducted pursuant~~  
6           ~~to section 318; and~~

7           ~~“(5) any other information, including other~~  
8           ~~radon measurements and geological data, that the~~  
9           ~~Administrator determines to be appropriate.”.~~

10 **SEC. 5. CITIZEN'S GUIDE.**

11           ~~(a) SCHEDULE.—Section 304(a) of the Toxic Sub-~~  
12           ~~stances Control Act (as redesignated by section 4 of this~~  
13           ~~Act) is amended—~~

14                   ~~(1) by striking “June 1, 1989,” and inserting~~  
15                   ~~“January 1, 1995,”; and~~

16                   ~~(2) by inserting “, in consultation with the Di-~~  
17                   ~~rector of the Centers for Disease Control of the De-~~  
18                   ~~partment of Health and Human Services,” after~~  
19                   ~~“Administrator” in the last sentence of the sub-~~  
20                   ~~section.~~

21           ~~(b) ACTION LEVELS.—Section 304(b)(1) of the Toxic~~  
22           ~~Substances Control Act (as redesignated by section 4 of~~  
23           ~~this Act) is amended—~~

24                   ~~(1) by inserting “(A)” after “ACTION LEV-~~  
25                   ~~ELS.—”; and~~



1           (2) by adding at the end the following new sub-  
2       paragraphs:

3           “(B) The citizen’s guide shall state the national  
4       goals established in this title, and shall estimate the  
5       average national ambient outdoor radon level. The  
6       guide shall also indicate the health benefits of reduc-  
7       ing indoor radon levels to ambient outdoor levels.

8           “(C) The citizen’s guide shall state and explain  
9       the target action point established pursuant to sec-  
10      tion 301(c).”.

11      (c) INFORMATION.—Section 304(b)(2) of the Toxic  
12      Substances Control Act (as redesignated by section 4 of  
13      this Act) is amended by adding at the end the following  
14      new subparagraph:

15           “(F) The location of priority radon areas and  
16       the likelihood of radon levels above the target action  
17       point within and outside of priority radon areas.”.

18      **SEC. 6. MODEL CONSTRUCTION STANDARDS.**

19      (a) TECHNICAL AMENDMENTS.—

20           (1) IN GENERAL.—Section 305 of the Toxic  
21      Substances Control Act (as redesignated by section  
22      4 of this Act) is amended—

23           (A) by inserting “(a) STANDARDS.—” be-  
24       fore the first sentence;

1           (B) by inserting “and periodically update”  
2           after “develop”;

3           (C) by striking the second and fifth sen-  
4           tences of the section;

5           (D) by inserting the following new sub-  
6           section after the first sentence:

7           “(b) CONSULTATION.—In developing and updating  
8 standards and techniques pursuant to subsection (a), the  
9 Administrator shall consult with—

10           “(1) the Secretary of Housing and Urban De-  
11 velopment;

12           “(2) organizations that are involved in estab-  
13 lishing national building construction standards and  
14 techniques; and

15           “(3) national organizations that represent  
16 homebuilders and State and local housing agencies  
17 (including public housing agencies).”;

18           (E) by striking “The model standards”  
19           and inserting the following:

20           “(c) GEOGRAPHIC DIFFERENCES.—

21           “(1) IN GENERAL.—The model standards”; and

22           (F) by striking “The Administrator shall  
23 work to ensure” and inserting the following:

24           “(d) IMPLEMENTATION.—The Administrator shall  
25 work to ensure”.

1           ~~(2) SCHEDULE.~~—Section 305 of the Toxic Sub-  
 2           stances Control Act (as redesignated by section 4 of  
 3           this Act, and as amended by paragraph (1)) is fur-  
 4           ther amended by adding at the end the following  
 5           new subsection:

6           ~~“(e) SCHEDULE.~~—The Administrator shall publish  
 7           final radon control standards and techniques for—

8           ~~“(1) residential dwellings and make the tech-~~  
 9           ~~niques available to the public and the building indus-~~  
 10          ~~try by not later than 60 days after the date of enact-~~  
 11          ~~ment of this subsection; and~~

12          ~~“(2) multiunit residential structures and~~  
 13          ~~schools by not later than January 1, 1995.”.~~

14          ~~(b) OBJECTIVES.~~—Section 305 of the Toxic Sub-  
 15          stances Control Act (as redesignated by section 4 of this  
 16          Act, and as amended by subsection (a) of this section) is  
 17          further amended by adding at the end of subsection (c)  
 18          ~~(as designated by subsection (a)(1)(E) of this section) the~~  
 19          following new paragraph:

20          ~~“(2) MODEL STANDARDS AND TECHNIQUES.~~—

21          ~~(A) The model standards and techniques shall—~~

22                  ~~“(i) indicate a range of effective radon con-~~  
 23                  ~~trol measures, practices, and techniques, that~~  
 24                  ~~apply to original construction of a wide variety~~

1 of building types, locations, conditions, and cir-  
2 cumstances; and

3 “(ii) indicate the general range of radon  
4 control achievable by the measures, individually,  
5 and in combination with, other measures.

6 “(B)(i) At a minimum, the Administrator shall  
7 establish minimum radon reduction measures, prac-  
8 tices, and techniques for new construction for the  
9 purpose of determining compliance with this section.

10 “(ii) The radon standards shall be designed—

11 “(I) to require the use of reasonably avail-  
12 able and economically achievable techniques;  
13 and

14 “(II) where possible, to achieve indoor  
15 radon levels in homes that are less than the tar-  
16 get action point established pursuant to section  
17 304(b)(1)(C) by using the techniques referred  
18 to in subclause (I).”.

19 (c) ~~FEDERALLY ASSISTED HOUSING.—~~Section 305  
20 of the Toxic Substances Control Act (as redesignated by  
21 section 4 of this Act, and as amended by subsection (b)  
22 of this section) is further amended by adding at the end  
23 the following new subsection:

1       ~~“(f) FEDERALLY ASSISTED HOUSING.—The appro-~~  
 2       ~~priate Federal official shall require that any residential~~  
 3       ~~dwelling or multiunit residential structure constructed—~~

4               ~~“(1) later than 2 years after the date of the es-~~  
 5       ~~tablishment of new construction standards pursuant~~  
 6       ~~to this section or the date of enactment of this sec-~~  
 7       ~~tion, whichever is later, in an area designated by the~~  
 8       ~~Administrator as a priority radon area; or~~

9               ~~“(2) later than 2 years after the designation of~~  
 10       ~~an area as a priority radon area, whichever is later,~~  
 11       ~~shall be constructed in accordance with the radon control~~  
 12       ~~standards established pursuant to subsection (c)(2)(B),~~  
 13       ~~before providing any direct Federal financial assistance.”.~~

14       ~~(d) DESIGN AWARDS AND CERTIFICATION.—Section~~  
 15       ~~305 of the Toxic Substances Control Act (as redesignated~~  
 16       ~~by section 4 of this Act, and as amended by subsection~~  
 17       ~~(c) of this section) is further amended by adding at the~~  
 18       ~~end the following new subsection:~~

19       ~~“(g) DESIGN AWARDS.—~~

20               ~~“(1) IN GENERAL.—The Administrator shall es-~~  
 21       ~~tablish a radon design awards program.~~

22               ~~“(2) DESIGN AWARDS.—The radon design~~  
 23       ~~awards program shall provide for an award for the~~  
 24       ~~best residential design incorporating radon control~~

1 or mitigation standards for each category of residen-  
 2 tial design that the Administrator shall determine.”.

3 ~~(e) RELATIONSHIP TO STATE AND LOCAL STAND-~~  
 4 ~~ARDS.—Section 305 of the Toxic Substances Control Act~~  
 5 ~~(as redesignated by section 4 of this Act, and as amended~~  
 6 ~~by subsection (d) of this section) is further amended by~~  
 7 ~~adding at the end the following new subsections:~~

8 “~~(h) RELATIONSHIP TO STATE AND LOCAL STAND-~~  
 9 ~~ARDS.—The standards published pursuant to this section~~  
 10 ~~shall not preempt the use of any State or local building~~  
 11 ~~standard if the State or local standard is equally effective~~  
 12 ~~in reducing radon levels as the standards published pursu-~~  
 13 ~~ant to this section.~~

14 “~~(i) CODE PROMOTION.—The Administrator shall de-~~  
 15 ~~velop a program to provide assistance to local govern-~~  
 16 ~~ments, builders, national code organizations, national as-~~  
 17 ~~sociations, States and other persons and entities that the~~  
 18 ~~Administrator determines to be appropriate to implement~~  
 19 ~~the adoption and use of radon-resistant building stand-~~  
 20 ~~ards. The assistance may include educational and outreach~~  
 21 ~~materials and technical assistance.”.~~

22 **SEC. 7. TECHNICAL ASSISTANCE.**

23 ~~(a) ACTIVITIES.—Section 306(a) of the Toxic Sub-~~  
 24 ~~stances Control Act (as redesignated by section 4 of this~~

1 Act) is amended by adding at the end the following new  
2 paragraphs:

3       “(9) Development of a model State program to  
4       disseminate radon information to State and local  
5       tenant organizations.

6       “(10) Assistance to State agencies and other  
7       organizations concerning the assessment and mitiga-  
8       tion of radon in public water supplies.

9       “(11) Assistance to State agencies and other  
10      organizations to facilitate prompt adoption and ef-  
11      fective enforcement of new construction standards  
12      for reducing radon levels developed pursuant to sec-  
13      tion 305.

14      “(12) Development of—

15          “(A) testing guidelines for multiunit resi-  
16          dential structures and multistory buildings not  
17          later than 6 months after the date of enactment  
18          of this paragraph; and

19          “(B) mitigation guidelines not later than 3  
20          years after the date of enactment of this para-  
21          graph.

22      “(13) Issuance of guidance to States on appro-  
23      priate elements of State radon measurement and  
24      mitigation proficiency programs.”.

1       ~~(b) PROFICIENCY TESTING.—(1) Section 306(a)(2)~~  
 2       ~~of the Toxic Substances Control Act (as redesignated by~~  
 3       ~~section 4 of this Act) is amended by striking “voluntary”.~~

4       ~~(2) Section 306(e) of the Toxic Substances Control~~  
 5       ~~Act (as redesignated by section 4 of this Act) is amend-~~  
 6       ~~ed—~~

7               ~~(A) in paragraph (2), by inserting “(A)” before~~  
 8       ~~“To cover the operating cost”;~~

9               ~~(B) by striking “No such charge may be im-~~  
 10       ~~posed on any State or local government.”; and~~

11               ~~(C) by adding after paragraph (2)(A), as so re-~~  
 12       ~~designated, the following new subparagraphs:~~

13       ~~“(B)(i) Except as otherwise provided in clause (ii),~~  
 14       ~~for the purposes of this paragraph, the term ‘small busi-~~  
 15       ~~ness’ means a corporation, partnership, or unincorporated~~  
 16       ~~business that—~~

17               ~~“(I) has 150 or fewer employees; and~~

18               ~~“(II) for the 3-year period preceding the date~~  
 19       ~~of the assessment, has an average annual gross reve-~~  
 20       ~~nue from radon measurement and mitigation activi-~~  
 21       ~~ties in an amount that does not exceed \$40,000,000.~~

22       ~~“(ii) If, after consultation with the Small Business~~  
 23       ~~Administration, the Administrator determines that a~~  
 24       ~~modification of the definition of the term ‘small business’~~  
 25       ~~under clause (i) is appropriate to characterize small busi-~~



1 nesses associated with radon measurement and mitigation;  
 2 the Administrator shall, by regulation, modify the defini-  
 3 tion in such manner as the Administrator determines to  
 4 be appropriate.

5 “(C) The Administrator shall consider reductions of  
 6 such charges for small businesses pursuant to the Regu-  
 7 latory Flexibility Act (5 U.S.C. 601 et seq.).

8 “(D) No such change may be imposed on any State  
 9 or local government. In the case of a State that admin-  
 10 isters a radon proficiency program pursuant to section  
 11 314(c), the State may impose charges consistent with any  
 12 charges that would otherwise have been imposed by the  
 13 Administrator. Any amounts collected by a State as  
 14 charges under this paragraph may be used as part of the  
 15 non-Federal share of any grant awarded pursuant to sec-  
 16 tion 307.”.

17 **SEC. 8. GRANT ASSISTANCE.**

18 (a) APPLICATION.—Section 307(b) of the Toxic Sub-  
 19 stances Control Act (as redesignated by section 4 of this  
 20 Act) is amended by adding at the end the following new  
 21 paragraph:

22 “(6) A description of the efforts of the State to  
 23 develop a mandatory radon proficiency program that  
 24 is consistent with sections 306(a)(2) and 314.”.

1       (b) ELIGIBLE ACTIVITIES.—Section 307(c) of the  
2 Toxic Substances Control Act (as redesignated by section  
3 4 of this Act) is amended by adding at the end the follow-  
4 ing new paragraphs:

5           “(11) Technical assistance to public water sup-  
6 ply systems concerning the mitigation of radon in  
7 public water supplies; and public education and in-  
8 formation activities to assist homeowners in the as-  
9 sessment and mitigation of radon in private drinking  
10 water supplies.

11           “(12) Activities to—

12               “(A) adopt model new construction stand-  
13 ards for reducing radon levels developed pursu-  
14 ant to section 305 with respect to the State;  
15 and

16               “(B) ensure the implementation of the  
17 standards in the State.

18           “(13) Technical and financial assistance to non-  
19 profit public interest groups to encourage radon test-  
20 ing and mitigation at local levels.

21           “(14) Targeting outreach and technical assist-  
22 ance activities to licensed child care facilities in pri-  
23 ority radon areas.

24           “(15) Notwithstanding the limitation in sub-  
25 section (i)(4), payment, in the form of grants or

1 loans, of the cost of implementing remediation meas-  
 2 ures necessary to prevent, in school buildings, levels  
 3 of radon above the target action point identified pur-  
 4 suant to section 304(b)(1)(C) if the payments are  
 5 made in consideration of the financial need of the  
 6 applicant.

7 “(16) Payment of the costs of conducting radon  
 8 tests required pursuant to section 308(d) if the pay-  
 9 ments are made in consideration of the financial  
 10 need of the applicant.

11 “(17) Educational programs, for members of  
 12 the housing industry, concerning the model construc-  
 13 tion standards and techniques published pursuant to  
 14 section 305.

15 “(18) Financial assistance to conduct surveys  
 16 to improve the precision of priority radon areas.”.

17 (c) PREFERENCE TO CERTAIN STATES.—Section  
 18 307(d) of the Toxic Substances Control Act (as redesign-  
 19 nated by section 4 of this Act) is amended—

20 (1) by striking “1991” and inserting “1994”;  
 21 and

22 (2) by inserting before the period “, or have  
 23 adopted equally effective standards”.

24 (d) FEDERAL SHARE.—Section 307(f) of the Toxic  
 25 Substances Control Act (as redesignated by section 4 of

1 this Act) is amended by striking “in the third year” and  
 2 inserting “in each succeeding year”.

3 ~~(e) ASSISTANCE TO LOCAL GOVERNMENTS.~~—Section  
 4 307(g) of the Toxic Substances Control Act (as redesignig-  
 5 nated by section 4 of this Act) is amended—

6 (1) by striking “and (6)” and inserting “(6),  
 7 (11), (12), (14), (15), and (16),”; and

8 (2) by inserting “(1)” after “GOVERNMENTS.—  
 9 ”; and

10 (3) by adding at the end the following new  
 11 paragraph:

12 “(2) Any remediation plan for reducing radon in  
 13 school buildings implemented pursuant to this section  
 14 shall be reviewed for consistency with Environmental Pro-  
 15 tection Agency guidance by the school official responsible  
 16 for authorizing the types of structural changes referred  
 17 to in the plan.”.

18 ~~(f) INFORMATION.~~—Section 307(h) of the Toxic Sub-  
 19 stances Control Act (as redesignated by section 4 of this  
 20 Act) is amended by adding at the end the following new  
 21 paragraph:

22 “(4) Any State that receives funds under this section  
 23 shall investigate consumer complaints concerning radon  
 24 services that violate the radon proficiency program of the  
 25 Environmental Protection Agency or the State. An appro-

1 priate official of the State shall advise the Administrator  
 2 concerning any person who violates the requirements of  
 3 section 314.”.

4 ~~(g)~~ AUTHORIZATION.—Section 307(j) of the Toxic  
 5 Substances Control Act (as redesignated by section 4 of  
 6 this Act) is amended by striking paragraph (5).

7 **SEC. 9. RADON IN SCHOOLS.**

8 Section 308 of the Toxic Substances Control Act (as  
 9 redesignated by section 4 of this Act) is amended by add-  
 10 ing at the end the following new subsections:

11 “(c) GUIDELINES.—

12 “(1) IN GENERAL.—Not later than 1 year after  
 13 the date of enactment of this subsection, the Admin-  
 14 istrator shall publish guidelines on testing for and  
 15 remediating radon in school buildings.

16 “(2) REQUIREMENTS AFTER PUBLICATION OF  
 17 GUIDELINES.—After the publication of the guide-  
 18 lines pursuant to this subsection, any testing or re-  
 19 mediation carried out pursuant to this section shall  
 20 be conducted in a manner consistent with the guide-  
 21 lines.

22 “(3) INTERIM GUIDELINES.—Any radon testing  
 23 or remediation of school buildings conducted prior to  
 24 the publication of guidelines pursuant to this sub-  
 25 section shall be considered to meet the requirements

1 of this section if the testing or remediation is con-  
2 ducted in a manner consistent with any interim  
3 guidance published by the Administrator or by a  
4 State (in any case where the Administrator deter-  
5 mines that the guidelines of the interim guidance are  
6 substantially consistent with the guidelines published  
7 under this subsection).

8 “(d) REQUIREMENT FOR RADON TESTING.—

9 “(1) IN GENERAL.—Not later than 2 years  
10 after the designation by the Administrator of an  
11 area as a priority radon area, each local educational  
12 agency located in whole or in part in the designated  
13 area shall conduct tests for radon in each school  
14 building owned or operated by the local educational  
15 agency.

16 “(2) EXTENSION.—The Administrator may ex-  
17 tend the schedule for testing for radon pursuant to  
18 this subsection to the date that is 2 years after the  
19 date of publication of testing guidelines pursuant to  
20 subsection (c).

21 “(3) TEST RESULTS.—

22 “(A) IN GENERAL.—The results of any  
23 tests conducted pursuant to this section by a  
24 local educational agency shall be available for  
25 public review in the administrative offices of the

1 local educational agency during normal business  
2 hours.

3 ~~“(B) NOTIFICATION.—The local edu-~~  
4 ~~cational agency shall—~~

5 ~~“(i) notify parent, teacher, and em-~~  
6 ~~ployee organizations of the results; and~~

7 ~~“(ii) send the results to the Adminis-~~  
8 ~~trator and the agency of the State that im-~~  
9 ~~plements radon programs.~~

10 ~~“(4) SUPERVISION OF RADON TESTING.—Any~~  
11 ~~radon testing conducted pursuant to this section~~  
12 ~~shall be supervised by a person who has received in-~~  
13 ~~struction pursuant to a program of the Environ-~~  
14 ~~mental Protection Agency or an equivalent State-ap-~~  
15 ~~proved program, as determined by the Adminis-~~  
16 ~~trator, and shall use radon measurement devices and~~  
17 ~~methods approved by the radon proficiency program~~  
18 ~~established pursuant to sections 306(a)(2) and~~  
19 ~~314.”.~~

20 **SEC. 10. REGIONAL RADON TRAINING CENTERS.**

21 Section 309(b) of the Toxic Substances Control Act  
22 (as redesignated by section 4 of this Act) is amended by  
23 adding at the end the following new sentence: “The re-  
24 gional radon training centers are authorized to provide  
25 training to State and local building code officials, contrac-

1 tors, and other persons or entities of the building commu-  
 2 nity, on the model construction standards and techniques  
 3 published pursuant to section 305.”.

4 **SEC. 11. FEDERAL BUILDINGS.**

5 Section 310 of the Toxic Substances Control Act (as  
 6 redesignated by section 4 of this Act) is amended by add-  
 7 ing at the end the following new subsection:

8 “(g) RADON ASSESSMENT AND MITIGATION PLAN.—

9 (1) Not later than January 1, 1994, the Administrator  
 10 shall submit to Congress a plan describing activities to be  
 11 undertaken by appropriate Federal agencies to assess and  
 12 mitigate radon in Federal buildings.

13 “(2) The Administrator shall consult with the heads  
 14 of affected Federal agencies in the development of the plan  
 15 required under this subsection.

16 “(3) The plan required under this subsection shall,  
 17 at a minimum—

18 “(A) include a list of each Federal building and  
 19 an indication of the results of any radon tests for  
 20 the buildings conducted by the date of issuance of  
 21 the plan;

22 “(B) specify the Federal buildings for which as-  
 23 sessment and mitigation will be undertaken on an  
 24 expedited basis on the basis of a consideration of—

25 “(i) the radon levels in the buildings;



1           “(ii) the number of people exposed to high  
2           radon levels; and

3           “(iii) the susceptibility of the building to  
4           mitigation;

5           “(C) specify the schedule for mitigation for  
6           each Federal building in which radon levels exceed  
7           the target action level specified in section  
8           303(b)(1)(C); and

9           “(D) specify the Federal agency responsible for  
10          the building, the estimated cost of mitigation, and  
11          the source of funds for assessment and mitigation  
12          actions.

13          “(4) At a minimum, the head of each Federal agency  
14          that is responsible for Federal buildings shall ensure  
15          that—

16               “(A) all schools and residences that are Federal  
17               buildings are assessed to determine radon levels by  
18               not later than January 1, 1996;

19               “(B) all other Federal buildings are assessed to  
20               determine radon levels by not later than January 1,  
21               1998; and

22               “(C) in the case of a Federal building with a  
23               radon level above the target action point established  
24               by the Administrator pursuant to section  
25               304(b)(1)(C), measures designed to achieve radon

1 levels at or below the target action point shall be im-  
 2 plemented by not later than 2 years after the appli-  
 3 cable deadline for assessment specified in this para-  
 4 graph.

5 “(5) In implementing radon assessment and mitiga-  
 6 tion activities, the head of a Federal agency shall employ  
 7 as a contractor a private firm certified by the Adminis-  
 8 trator as proficient pursuant to section 306(a)(2).

9 “(6) Not later than 2 years after the submittal of  
 10 the plan required under this subsection, the Administrator  
 11 shall submit to Congress a report on actions taken to im-  
 12 plement the plan.”

13 **SEC. 12. RADON INFORMATION.**

14 Title III of the Toxic Substances Control Act (15  
 15 U.S.C. 2661 et seq.) (as amended by section 4 of this Act)  
 16 is further amended by adding at the end the following new  
 17 section:

18 **“SEC. 313. DISCLOSURE OF INFORMATION CONCERNING**  
 19 **RADON UPON TRANSFER OF RESIDENTIAL**  
 20 **PROPERTY.**

21 “(a) RADON DISCLOSURE IN PURCHASE AND SALE  
 22 OR LEASE OF HOUSING.—

23 “(1) RADON HAZARDS.—Not later than 2 years  
 24 after the date of enactment of this section, the Ad-  
 25 ministrator and the Secretary of Housing and Urban

1       Development shall promulgate regulations for the  
2       disclosure of radon hazards in housing that is of-  
3       fered for sale or lease. The regulations shall require  
4       that, before a purchaser or lessee is obligated under  
5       any contract to purchase or lease the housing, the  
6       seller or lessor shall—

7               “(A) provide the purchaser or lessee with  
8       a radon information pamphlet that meets the  
9       requirements of paragraph (2);

10              “(B) disclose to the purchaser or lessee the  
11       presence or level of any known radon in the  
12       housing and provide to the purchaser or lessee  
13       any radon evaluation report available to the  
14       seller or lessor; and

15              “(C) permit a purchaser to have a 10-day  
16       period before becoming obligated (unless the  
17       parties mutually agree upon a different period  
18       of time) to conduct a test to determine the level  
19       of radon in the housing.

20              “(2) RADON INFORMATION PAMPHLET.—

21              “(A) IN GENERAL.—Not later than 18  
22       months after the date of enactment of this sec-  
23       tion, the Administrator, in consultation with the  
24       Secretary of Housing and Urban Development,  
25       representatives of national organizations that

1 represent State and local housing agencies (in-  
2 cluding public housing agencies); real estate  
3 groups; citizen groups and other groups that  
4 the Administrator determines to be appropriate;  
5 shall develop a written document containing  
6 radon-related information.

7 “(B) CONTENTS OF DOCUMENT.—The doc-  
8 ument shall include, at a minimum—

9 “(i) information indicating the health  
10 risk associated with different levels of  
11 radon exposure consistent with the health  
12 information in the citizen’s guide under  
13 section 304;

14 “(ii) information regarding the advis-  
15 ability of undertaking measures to mitigate  
16 dangerous levels of radon;

17 “(iii) information regarding appro-  
18 priate Federal agencies and departments  
19 and agencies of States and that can pro-  
20 vide further information on the health risk  
21 from radon; and a list of firms or other en-  
22 tities approved by the Administrator for  
23 the purposes of radon detection and miti-  
24 gation; and

1                   “(iv) recommended Environmental  
 2                   Protection Agency radon testing proce-  
 3                   dures that will provide quality and reliable  
 4                   measurements in conjunction with a real  
 5                   estate transaction.

6                   ~~“(3) CONTRACT FOR PURCHASE AND SALE.—~~

7                   The regulations promulgated under this section shall  
 8                   provide that each contract for the purchase and sale  
 9                   of any interest in housing shall contain a Radon  
 10                  Warning Statement and a statement signed by the  
 11                  purchaser that the purchaser has—

12                  ~~“(A) read the Radon Warning Statement~~  
 13                  and understands the contents of the statement;

14                  ~~“(B) received a radon hazard information~~  
 15                  pamphlet; and

16                  ~~“(C) had an opportunity to conduct a test~~  
 17                  to determine the level of radon in the housing  
 18                  within the period specified in paragraph (1)(C)  
 19                  or a period agreed on pursuant to paragraph  
 20                  (1)(C).

21                  ~~“(4) CONTENTS OF RADON WARNING STATE-~~  
 22                  MENT.—The Radon Warning Statement shall con-  
 23                  tain the following text printed in large type on a  
 24                  separate sheet of paper attached to the contract:

1           “‘Every purchaser of any interest in residential  
 2       real property is notified that the property may  
 3       present exposure to levels of radon gas that may  
 4       cause lung cancer. The seller of any interest in resi-  
 5       dential real property is required to provide the buyer  
 6       with any information on the levels of radon in the  
 7       housing in the possession of the seller. A radon test  
 8       is recommended prior to purchase.’

9           “(5) COMPLIANCE ASSURANCE.—In any case in  
 10       which a seller or lessor has entered into a contract  
 11       with an agent for the purpose of selling or leasing  
 12       a unit of housing, the regulations promulgated under  
 13       this section shall require the agent, on behalf of the  
 14       seller or lessor, to ensure compliance with the re-  
 15       quirements of this section.

16           “(6) PROMULGATION.—A suit may be brought  
 17       against the Administrator or the Secretary of Hous-  
 18       ing and Urban Development under section 321 to  
 19       compel the promulgation of the regulations required  
 20       under this section. The Federal district court shall  
 21       have jurisdiction to order the promulgation of the  
 22       regulations.

23           “(b) CIVIL LIABILITY.—

24           “(1) IN GENERAL.—Any person who knowingly  
 25       violates any provision of this section shall be jointly

1 and severally liable to a mortgage applicant, pur-  
 2 chaser, or lessee in an amount equal to 3 times the  
 3 amount of damages incurred by the individual.

4 ~~“(2) COURT COSTS AND ATTORNEY FEES.—In~~  
 5 any civil action brought for damages under this sub-  
 6 section, the appropriate court may award court costs  
 7 to the party that commences the action, together  
 8 with reasonable attorney fees and any expert witness  
 9 fees, in any case in which the party prevails.

10 ~~“(c) VALIDITY OF CONTRACTS AND LIENS.—Nothing~~  
 11 in this section shall—

12 ~~“(1) affect the validity or enforceability of any~~  
 13 sale or contract for the purchase and sale or lease  
 14 of any interest in residential real property or any  
 15 loan, loan agreement, mortgage, or lien made or  
 16 arising in connection with a mortgage loan; or

17 ~~“(2) create a defect in title.~~

18 ~~“(d) EFFECTIVE DATE.—The regulations under this~~  
 19 section shall take effect on the date that is 3 years after  
 20 the date of the enactment of this section.”.

21 **SEC. 13. MANDATORY RADON PROFICIENCY PROGRAM.**

22 Title III of the Toxic Substances Control Act (15  
 23 U.S.C. 2661 et seq.) (as amended by section 12 of this  
 24 Act) is further amended by adding at the end the following  
 25 new section:

1 ~~“SEC. 314. MANDATORY RADON PROFICIENCY PROGRAM.~~

2       ~~“(a) MANDATORY PARTICIPATION.—Beginning on~~  
3 ~~the date that is 2 years after the date of the enactment~~  
4 ~~of this section, no person shall offer radon measurement~~  
5 ~~devices or radon measurement or mitigation services to the~~  
6 ~~public unless such person has successfully completed the~~  
7 ~~radon proficiency program of the Environmental Protec-~~  
8 ~~tion Agency, or appropriate portions of the program.~~

9       ~~“(b) STATUTORY CONSTRUCTION.—Nothing in this~~  
10 ~~section shall be construed to apply to governmental units~~  
11 ~~or nonprofit organizations that provide a radon service for~~  
12 ~~their own use and do not provide that service for commer-~~  
13 ~~cial purposes.~~

14       ~~“(c) DELEGATION TO STATES.—~~

15               ~~“(1) IN GENERAL.—The Administrator shall~~  
16 ~~administer the mandatory proficiency program under~~  
17 ~~this section in a manner consistent with the Guid-~~  
18 ~~ance to States on Radon Certification of the Envi-~~  
19 ~~ronmental Protection Agency.~~

20               ~~“(2) AGREEMENT.—The Administrator is au-~~  
21 ~~thorized to enter into any agreement or other ar-~~  
22 ~~rangement with any State for the purpose of dele-~~  
23 ~~gating the radon proficiency program of the Envi-~~  
24 ~~ronmental Protection Agency, including enforcement~~  
25 ~~provisions, or any other part of the program, to the~~



1 State, if the State program is consistent with the  
2 Federal program.

3 ~~“(d) PROHIBITED ACTS.—It shall be unlawful for~~  
4 any person to—

5 ~~“(1) fail or refuse to comply with this section~~  
6 ~~(including any rule or regulation promulgated under~~  
7 ~~this section or order issued pursuant to this section);~~  
8 or

9 ~~“(2) fail or refuse to—~~

10 ~~“(A) establish or maintain records as re-~~  
11 ~~quired by the Administrator or by a State with~~  
12 ~~respect to which the Administrator has entered~~  
13 ~~into an agreement or other arrangement under~~  
14 ~~subsection (c);~~

15 ~~“(B) submit any report, notice, or other~~  
16 ~~information, required to be submitted by the~~  
17 ~~Administrator or by the appropriate official of~~  
18 ~~a State the Administrator has entered into an~~  
19 ~~agreement or other arrangement under sub-~~  
20 ~~section (c);~~

21 ~~“(C) permit entry or inspection by the Ad-~~  
22 ~~ministrator, or by the appropriate official of a~~  
23 ~~State with respect to which the Administrator~~  
24 ~~has entered into an agreement or other ar-~~  
25 ~~rangement under subsection (c); or~~

1           “(D) permit access to, or copying of,  
 2           records by the appropriate official of a State  
 3           with respect to which the Administrator has en-  
 4           tered into an agreement or other arrangement  
 5           under subsection (c).”.

6 **SEC. 14. MEDICAL COMMUNITY OUTREACH.**

7           Title III of the Toxic Substances Control Act (15  
 8 U.S.C. 2661 et seq.) (as amended by section 13 of this  
 9 Act) is further amended by adding at the end the following  
 10 new section:

11 **“SEC. 315. MEDICAL COMMUNITY OUTREACH.**

12           “(a) IN GENERAL.—The Administrator, in coopera-  
 13 tion with the Secretary of Health and Human Services,  
 14 shall develop and implement an outreach program to pro-  
 15 vide information concerning radon to the medical commu-  
 16 nity.

17           “(b) INFORMATION.—

18           “(1) IN GENERAL.—The Administrator, in con-  
 19 sultation with the Secretary of Health and Human  
 20 Services, the Surgeon General, and the Director of  
 21 the Centers for Disease Control, shall develop infor-  
 22 mational material concerning radon tailored to phy-  
 23 sicians in general practice and in specialties related  
 24 to lung cancer. The information shall, at a mini-  
 25 mum—

1           “(A) explain the health threats posed by  
2           exposure to radon and include a summary of  
3           scientific evidence that demonstrates the human  
4           health effects of exposure to radon;

5           “(B) explain the association of radon with  
6           smoking and other causes of lung cancer;

7           “(C) identify appropriate steps to take to  
8           determine exposure to radon in the home; and

9           “(D) identify sources of additional infor-  
10          mation.

11          “(2) TRANSMITTAL OF INFORMATION.—Not  
12          later than 1 year after the date of enactment of this  
13          section, the Administrator shall transmit the infor-  
14          mation developed pursuant to this section to—

15               “(A) physicians in general practice;

16               “(B) physicians in specialties related to  
17          lung cancer;

18               “(C) all physicians employed by the Fed-  
19          eral Government;

20               “(D) all hospital administrators; and

21               “(E) other physicians and officials deter-  
22          mined by the Administrator to be appropriate.

23          “(c) REPORT.—Not later than 2 years after the date  
24          of enactment of this section, the Administrator, in con-

1 sultation with the Secretary of Health and Human Serv-  
 2 ices, shall report to Congress concerning—

3           “(1) the implementation of this section; and

4           “(2) recommendations for measures to improve  
 5 radon information dissemination to the medical com-  
 6 munity.”.

7 **SEC. 15. FEDERAL HOUSING.**

8 Title III of the Toxic Substances Control Act (15  
 9 U.S.C. 2661 et seq.) (as amended by section 14 of this  
 10 Act) is further amended by adding at the end the following  
 11 new section:

12 **“SEC. 316. FEDERALLY OWNED AND ASSISTED HOMES,**  
 13 **SCHOOLS, AND BUILDINGS.**

14       “(a) **FEDERALLY FUNDED CONSTRUCTION.**—Not  
 15 later than 6 months after the publication of priority radon  
 16 areas required by section 303, or the publication of model  
 17 construction standards required by section 305, whichever  
 18 is later, the head of each Federal agency shall adopt such  
 19 procedures as may be necessary to ensure that any new  
 20 Federal building, or any school constructed with Federal  
 21 financial assistance, in a priority radon area shall conform  
 22 to the model construction standards required by section  
 23 305.

24       “(b) **FEDERALLY ASSISTED HOUSING.**—The Sec-  
 25 retary of Housing and Urban Development, in cooperation

1 with the Administrator, shall, not later than 1 year after  
 2 the date of enactment of this section, disseminate in prior-  
 3 ity radon areas information concerning the health threats  
 4 posed by radon, proper methods of testing for radon, and  
 5 techniques for mitigating elevated radon levels to public  
 6 housing agencies and Indian housing authorities, as de-  
 7 fined in paragraphs (6) and (11), respectively, of section  
 8 3(b) of the United States Housing Act of 1937 (42 U.S.C.  
 9 1437a(b)), and to owners and managers of other housing  
 10 assisted under other provisions of the United States Hous-  
 11 ing Act of 1937 (42 U.S.C. 1437 et seq.) and the National  
 12 Housing Act (12 U.S.C. 1701 et seq.).

13 “(c) RESEARCH.—The Secretary of Housing and  
 14 Urban Development shall undertake a program of radon  
 15 research, consisting of research concerning—

16 “(1) radon distribution and mitigation within  
 17 multiunit residential structures in conjunction with  
 18 the Administrator;

19 “(2) landlord liability;

20 “(3) predicting radon hazards in new multiunit  
 21 residential structures on particular lands; and

22 “(4) such other research as both the Secretary  
 23 of Housing and Urban Development and the Admin-  
 24 istrator consider appropriate.

25 “(d) TESTING REQUIREMENT.—

1           ~~“(1) IN GENERAL.—Beginning on the date that~~  
 2           is 6 months after the date of publication of Radon  
 3           Priority Areas required by this title, any federally  
 4           owned housing in a Radon Priority Area shall be  
 5           tested for radon before a sales contract to sell the  
 6           home is signed.

7           ~~“(2) REQUIREMENTS FOR RADON TESTING.—~~  
 8           Any radon testing conducted pursuant to this sec-  
 9           tion shall—

10                   ~~“(A) be supervised by a person who has re-~~  
 11                   ceived instruction pursuant to a program of the  
 12                   Environmental Protection Agency or equivalent  
 13                   State approved program, as determined by the  
 14                   Administrator; and

15                   ~~“(B) use radon measurement devices and~~  
 16                   methods approved by the radon proficiency pro-  
 17                   gram established pursuant to section 306(a)(2).

18           ~~“(3) SATISFACTION OF REQUIREMENTS BY CER-~~  
 19           TAIN DEPARTMENTS AND AGENCIES.—Radon testing  
 20           conducted within a 5-year period prior to acquisition  
 21           by a Federal department or agency, or any Govern-  
 22           ment corporation or Government-controlled corpora-  
 23           tion, shall be considered to satisfy the requirements  
 24           of this section if the test otherwise meets the re-  
 25           quirements of paragraph (2).

1           ~~“(4) AVAILABILITY OF RESULTS.—~~The results  
 2           of a radon test required pursuant to this section  
 3           shall be made available to potential buyers of any  
 4           homes described in paragraph (1) before a sales con-  
 5           tract to sell the home is signed.

6           ~~“(5) TREATMENT AS MODIFICATIONS.—~~To the  
 7           extent that this subsection increases the costs of the  
 8           Federal Government of outstanding direct loan obli-  
 9           gations or loan guaranty commitments, the activities  
 10          shall be treated as modifications under section  
 11          504(e) of the Federal Credit Reform Act of 1990 (2  
 12          U.S.C. 661c(e)) and shall be subject to the availabil-  
 13          ity of appropriations. To the extent that this sub-  
 14          section imposes additional costs to the Resolution  
 15          Trust Corporation and the Federal Deposit Insur-  
 16          ance Corporation, the requirements of this sub-  
 17          section shall be carried out only if appropriations are  
 18          provided in advance in an appropriations Act. In the  
 19          absence of appropriations sufficient to cover the  
 20          costs of this subsection, the requirements shall not  
 21          apply to any agency affected by the requirements.”.

22 **SEC. 16. NATIONAL RADON EDUCATIONAL EFFORTS.**

23          Title III of the Toxic Substances Control Act (15  
 24          U.S.C. 2661 et seq.) (as amended by section 15 of this

1 Act) is further amended by adding at the end the following  
 2 new section:

3 **~~“SEC. 317. NATIONAL RADON EDUCATIONAL CAMPAIGN.~~**

4       ~~“The Administrator shall establish a national edu-~~  
 5 ~~cation campaign to increase public awareness concerning~~  
 6 ~~radon health risks and motivate public action to reduce~~  
 7 ~~radon levels. The national education campaign shall in-~~  
 8 ~~clude the use of funds for the purchase and production~~  
 9 ~~of public educational materials. The Administrator is au-~~  
 10 ~~thorized to enter into cooperative agreements to carry out~~  
 11 ~~this section.”.~~

12 **~~SEC. 17. RADON IN WORK PLACES.~~**

13       Title III of the Toxic Substances Control Act (15  
 14 U.S.C. 2661 et seq.) (as amended by section 16 of this  
 15 Act) is further amended by adding at the end the following  
 16 new section:

17 **~~“SEC. 318. RADON IN WORK PLACES.~~**

18       ~~“(a) STUDY OF RADON IN WORK PLACES.—~~

19               ~~“(1) AUTHORITY.—The Director of the Na-~~  
 20 ~~tional Institute for Occupational Safety and Health~~  
 21 ~~of the Department of Health and Human Services,~~  
 22 ~~in consultation with the Administrator, shall conduct~~  
 23 ~~a study for the purpose of determining the extent of~~  
 24 ~~radon contamination in the work places of the Unit-~~  
 25 ~~ed States.~~



1           “(2) SURVEY.—In conducting the study, the  
2           Director of the National Institute for Occupational  
3           Safety and Health of the Department of Health and  
4           Human Services and the Administrator shall be  
5           jointly responsible for designing a survey that, on  
6           completion, shall allow Congress to characterize the  
7           extent of radon contamination in work places. The  
8           survey shall include testing from a representative  
9           sample of work places in each priority radon area  
10          and shall include additional testing, to the extent re-  
11          sources are available for the testing.

12          “(3) REPORT.—Not later than 2 years after the  
13          date of enactment of this section, the Director of the  
14          National Institute for Occupational Safety and  
15          Health of the Department of Health and Human  
16          Services, in consultation with the Administrator,  
17          shall submit to Congress a report that describes the  
18          results of the study conducted pursuant to this sec-  
19          tion.

20          “(b) AUTHORIZATION.—There are authorized to be  
21          appropriated such sums as may be necessary to carry out  
22          this section, but not to exceed \$2,000,000.”.

23   **SEC. 18. PREEMPTION.**

24          Title III of the Toxic Substances Control Act (15  
25   U.S.C. 2661 et seq.) (as amended by section 17 of this

1 Act) is further amended by adding at the end the following  
2 new section:

3 **~~“SEC. 319. PREEMPTION.~~**

4 ~~“(a) CONSTRUCTION OF PROVISIONS AS NOT PRE-~~  
5 ~~EMPTING OTHER LAWS.—Nothing in this title shall be~~  
6 ~~construed, interpreted, or applied to preempt, displace, or~~  
7 ~~supplant any other Federal or State law, whether statu-~~  
8 ~~tory or common.~~

9 ~~“(b) AWARD OF COSTS AND DAMAGE AWARDS.—~~  
10 ~~Nothing in this title shall be construed or interpreted to~~  
11 ~~preclude any court from awarding costs and damages as-~~  
12 ~~sociated with the testing or mitigation of radon contami-~~  
13 ~~nation, or a portion of such costs, at any time.~~

14 ~~“(c) CONSTRUCTION OF PROVISIONS AS NOT PRO-~~  
15 ~~HIBITING MORE STRINGENT STATE REQUIREMENTS.—~~  
16 ~~Nothing in this title shall be construed or interpreted as~~  
17 ~~preempting a State, with respect to radon within the~~  
18 ~~State, from establishing any liability or more stringent re-~~  
19 ~~quirement that is equal to or, more stringent than, a re-~~  
20 ~~quirement under this title.~~

21 ~~“(d) CREATION OF CAUSE OF ACTION.—Nothing in~~  
22 ~~this title shall create a cause of action, or in any other~~  
23 ~~way increase or diminish the liability of any person under~~  
24 ~~any other law.~~

1       ~~“(e) EFFECT OF PROVISIONS IN CIVIL ACTIONS FOR~~  
 2 ~~DAMAGES.—~~

3           ~~“(1) IN GENERAL.—It is not the intent of Con-~~  
 4 ~~gress that this section, or any rule, regulation, or or-~~  
 5 ~~ders issued pursuant to this section, shall be inter-~~  
 6 ~~preted as influencing, in either the favor of a plain-~~  
 7 ~~tiff or defendant, the disposition of any civil action~~  
 8 ~~for damages relating to radon.~~

9           ~~“(2) STATUTORY CONSTRUCTION.—This shall~~  
 10 ~~not affect the authority of any court to make a de-~~  
 11 ~~termination in any adjudicatory proceeding under~~  
 12 ~~applicable State law with respect to the admission~~  
 13 ~~into evidence or any other application of this title or~~  
 14 ~~rules, regulations, or orders issued pursuant to this~~  
 15 ~~title.”.~~

16 **SEC. 19. ENFORCEMENT.**

17       Title III of the Toxic Substances Control Act (15  
 18 U.S.C. 2661 et seq.) (as amended by section 18 of this  
 19 Act) is further amended by adding at the end the following  
 20 new section:

21 **“SEC. 320. ENFORCEMENT.**

22       ~~“(a) CIVIL PENALTIES.—~~

23           ~~“(1) IN GENERAL.—Any person who violates~~  
 24 ~~section 313 or 314, or who provides false informa-~~  
 25 ~~tion concerning compliance with section 305(f) to an~~

1 appropriate Federal official, shall be liable to the  
2 United States for a civil penalty in an amount not  
3 to exceed \$10,000 for each violation.

4 “(2) CIVIL PENALTIES.—

5 “(A) IN GENERAL.—A civil penalty under  
6 this section shall be assessed by the Adminis-  
7 trator by an order made on the record after op-  
8 portunity for a hearing in accordance with sec-  
9 tion 554 of title 5, United States Code. Before  
10 issuing the order, the Administrator shall give  
11 written notice to the person to be assessed a  
12 civil penalty under the order and provide such  
13 person an opportunity to request a hearing on  
14 the order not later than 15 days after the date  
15 the notice is received by the person.

16 “(B) DETERMINATION OF AMOUNT OF  
17 CIVIL PENALTY.—In determining the amount of  
18 a civil penalty, the Administrator may take into  
19 account—

20 “(i) the nature, circumstances, extent,  
21 and gravity of each violation; and

22 “(ii) with respect to the violator, the  
23 ability to pay, the effect on ability to con-  
24 tinue to do business, any history of prior  
25 such violations, the degree of culpability,

1           and such other matters as justice may re-  
2           quire.

3           “(C) NOTIFICATION OF CIVIL PEN-  
4           ALTIES.—The Administrator may compromise,  
5           modify, remit, with or without conditions, any  
6           civil penalty that may be imposed under this  
7           subsection. The amount of the penalty, when fi-  
8           nally determined, or the amount agreed upon in  
9           compromise, may be deducted from any sums  
10          owing by the United States to the firm charged.

11          “(3) JUDICIAL REVIEW.—Any person who—  
12               “(A) has requested a hearing under this  
13               section concerning the assessment of a civil  
14               penalty; and

15               “(B) is aggrieved by an order assessing a  
16               civil penalty,  
17          may file a petition for judicial review of such order  
18          with the United States Court of Appeals for the Dis-  
19          trict of Columbia Circuit or for any other circuit in  
20          which such person resides or transacts business. The  
21          petition may only be filed within the 30-day period  
22          beginning on the date the order making the assess-  
23          ment is issued.

1           ~~“(4) FAILURE TO PAY ASSESSMENT.—If any~~  
2           ~~person fails to pay an assessment of a civil pen-~~  
3           ~~alty—~~

4           ~~“(A) after the order making the assess-~~  
5           ~~ment has become a final order (if such person~~  
6           ~~does not file a petition for judicial review of the~~  
7           ~~order in accordance with paragraph (3)); or~~

8           ~~“(B) after a court, in an action brought~~  
9           ~~under paragraph (3), has entered a final judg-~~  
10          ~~ment in favor of the Administrator,~~

11          ~~the Attorney General shall recover the amount as-~~  
12          ~~sessed (plus interest at currently prevailing rates~~  
13          ~~from the date of the expiration of the 30-day period~~  
14          ~~referred to in paragraph (3) or the date of the final~~  
15          ~~judgment, as the case may be) in an action brought~~  
16          ~~in any appropriate district court of the United~~  
17          ~~States. In such an action, the validity, amount, and~~  
18          ~~appropriateness of such penalty shall not be subject~~  
19          ~~to review.~~

20          ~~“(b) COMPLIANCE ORDERS.—~~

21          ~~“(1) IN GENERAL.—If the Administrator finds~~  
22          ~~on the basis of information made available, that a~~  
23          ~~person, firm, or organization is in violation of this~~  
24          ~~title, the Administrator shall proceed under the au-~~  
25          ~~thority under paragraph (2), or notify the person,~~

1 firm, or organization in which the violation occurred.  
 2 If, after a 30-day period beginning on the date of  
 3 notification by the Administrator, the State has not  
 4 commenced appropriate enforcement action, the Ad-  
 5 ministrator may issue an order requiring compliance  
 6 or such other relief as the Administrator may find  
 7 appropriate, or bring a civil action in accordance  
 8 with paragraph (4).

9 “(2) ENFORCEMENT.—If the Administrator  
 10 finds, on the basis of information made available,  
 11 that a person, firm, or organization is in violation of  
 12 a requirement of this title, the Administrator may  
 13 issue an order requiring such person, firm, or orga-  
 14 nization to comply with the requirement or such  
 15 other relief as the Administrator may find appro-  
 16 priate, or shall bring a civil action in accordance  
 17 with paragraph (4).

18 “(3) ORDERS.—

19 “(A) IN GENERAL.—Any orders issued  
 20 under this section shall—

21 “(i) be by personal service;

22 “(ii) state with reasonable specificity  
 23 the nature of the violation; and

24 “(iii) specify a period for compliance  
 25 of not to exceed 30 days.

1           “(B) ~~ORDERS.~~—In issuing each order the  
 2           Administrator shall take into account the seri-  
 3           ousness of the violation and any good faith ef-  
 4           forts to comply with applicable requirements.

5           ~~“(4) CIVIL ACTION.—~~

6           ~~“(A) IN GENERAL.—~~The Administrator is  
 7           authorized to commence a civil action for ap-  
 8           propriate relief, including a permanent or tem-  
 9           porary injunction, of any violation for which the  
 10          Administrator is authorized to issue a compli-  
 11          ance order under paragraph (1).

12          ~~“(B) VENUE.—~~Any action taken under  
 13          this subsection may be brought in the district  
 14          court of the United States in the district in  
 15          which the defendant is located or resides or is  
 16          doing business. The court shall have jurisdiction  
 17          to restrain the violation and require compliance.  
 18          Notice of the commencement of the action shall  
 19          be given immediately on commencement to the  
 20          appropriate State.”.

21   **SEC. 20. CITIZEN SUITS.**

22          Title III of the Toxic Substances Control Act (15  
 23   U.S.C. 2661 et seq.) (as amended by section 19 of this  
 24   Act) is further amended by adding at the end the following  
 25   new section:



1 ~~“SEC. 321. CITIZEN SUITS.~~

2 ~~“(a) IN GENERAL.—~~

3 ~~“(1) IN GENERAL.—Except as provided in sub-~~  
 4 ~~section (b), any person may commence a civil ac-~~  
 5 ~~tion—~~

6 ~~“(A) against the United States in any case~~  
 7 ~~in which the United States is alleged to be in~~  
 8 ~~violation of section 305(f), 310, or 316, or any~~  
 9 ~~rule promulgated thereunder, to restrain the~~  
 10 ~~violation;~~

11 ~~“(B) against any person who is alleged to~~  
 12 ~~be in violation of section 308, 313, or 314, or~~  
 13 ~~any rule promulgated thereunder, to restrain~~  
 14 ~~the violation; or~~

15 ~~“(C) against the Administrator to compel~~  
 16 ~~the Administrator to perform any act or duty~~  
 17 ~~under this title that is not discretionary.~~

18 ~~“(2) ACTIONS.—~~

19 ~~“(A) IN GENERAL.—Each civil action~~  
 20 ~~under paragraph (1)(A) shall be brought in the~~  
 21 ~~United States district court for the district in~~  
 22 ~~which the alleged violation occurred, in which~~  
 23 ~~the defendant resides, or in which the principal~~  
 24 ~~place of business of the defendant is located.~~  
 25 ~~Any action brought under paragraph (1)(B)~~  
 26 ~~shall be brought in the United States District~~

1 Court for the District of Columbia, or the Unit-  
 2 ed States district court for the judicial district  
 3 in which the plaintiff is domiciled.

4 “(B) JURISDICTION.—The district courts  
 5 of the United States shall have jurisdiction over  
 6 suits brought under this section, without regard  
 7 to the amount in controversy or the citizenship  
 8 of any party.

9 “(C) SERVICE OF PROCESS.—In any civil  
 10 action under this subsection, process may be  
 11 served on a defendant in any judicial district in  
 12 which the defendant resides or may be found.  
 13 Subpoenas for witnesses may be served in any  
 14 judicial district.

15 “(b) LIMITATION.—

16 “(1) IN GENERAL.—No civil action may be  
 17 commenced—

18 “(A) under subsection (a)(1)(A) to restrain  
 19 a violation of this title, or rule or order under  
 20 this title—

21 “(i) before the expiration of the 60-  
 22 day period beginning on the date that the  
 23 plaintiff gives notice of the violation—

24 “(I) to the Administrator; and

1                   “(H) to the person who is alleged  
2                   to have committed the violation; or

3                   ~~“(ii) if—~~

4                   ~~“(I)(aa) the Administrator has~~  
5                   ~~commenced, and is diligently prosecut-~~  
6                   ~~ing, a proceeding to require compli-~~  
7                   ~~ance with this title or with a rule or~~  
8                   ~~order issued under this title; or~~

9                   ~~“(bb) the Attorney General has~~  
10                  ~~commenced and is diligently prosecut-~~  
11                  ~~ing a civil action in a court of the~~  
12                  ~~United States to require compliance~~  
13                  ~~with this title or with a rule or order~~  
14                  ~~issued under this title; and~~

15                  ~~“(H) the proceeding or civil ac-~~  
16                  ~~tion is commenced after the giving of~~  
17                  ~~notice; or~~

18                  ~~“(B) under subsection (a)(1)(B) before the~~  
19                  ~~expiration of the 60-day period beginning on~~  
20                  ~~the date that the plaintiff gives notice to the~~  
21                  ~~Administrator of the alleged failure of the Ad-~~  
22                  ~~ministrator to perform an act or duty that is~~  
23                  ~~the basis for such action.~~

24                  ~~“(2) NOTICE.—Notice under this subsection~~  
25                  ~~shall be given in such manner as the Administrator~~

1 shall prescribe by rule. Any person who pursuant to  
2 paragraph (1)(A) may intervene as a matter of right  
3 in the proceeding or action.

4 “(c) IN GENERAL.—

5 “(1) INTERVENTION BY ADMINISTRATOR.—In  
6 any action under this section, the Administrator, if  
7 not a party, may intervene as a matter of right.

8 “(2) COURT COSTS.—The court, in issuing any  
9 final order in any action brought pursuant to sub-  
10 section (a), may award costs of suit and reasonable  
11 fees for attorneys and expert witnesses if the court  
12 determines that the award is appropriate. In issuing  
13 a decision in an action brought to review such an  
14 order, the court may award costs of suit and reason-  
15 able fees for attorneys if the court determines that  
16 the award is appropriate.

17 “(3) STATUTORY CONSTRUCTION.—Nothing in  
18 this section shall restrict any right that any person  
19 (or class of persons) may have under any statute or  
20 common law to seek enforcement of this Act, or any  
21 rule or order under this Act, or to seek any other  
22 relief.

23 “(d) CONSOLIDATION.—

24 “(1) IN GENERAL.—If 2 or more civil actions  
25 brought under subsection (a) involve the same de-

1       fendant and the same issues or violations are pend-  
 2       ing in 2 or more judicial districts, the pending ac-  
 3       tions, upon an application of the defendants to the  
 4       actions is made to a court in which any of the ac-  
 5       tions is brought, may, if the court in the discretion  
 6       of the court so decides, be consolidated for trial by  
 7       order (issued after giving all parties reasonable no-  
 8       tice and opportunity to be heard) of the court and  
 9       tried in—

10               “(A) a district that is selected by the de-  
 11               fendant and in which 1 of the actions is pend-  
 12               ing;

13               “(B) a district that is agreed upon by stip-  
 14               ulation between all the parties to the actions  
 15               and in which 1 of the actions is pending; or

16               “(C) a district that is selected by the court  
 17               and in which 1 of the actions is pending.

18               “(2) NOTIFICATION.—In issuing an order re-  
 19               ferred to in paragraph (1), the Court shall give  
 20               prompt notification of the order to the other courts  
 21               in which the civil actions consolidated under the  
 22               order are pending.”.

23 **SEC. 21. AUTHORIZATIONS OF APPROPRIATIONS.**

24       (a) TECHNICAL ASSISTANCE.—Section 306(f) of the  
 25       Toxic Substances Control Act (as redesignated by section

1 4 of this Act) is amended by striking “and 1991.” and  
2 inserting “1991, 1992, 1993, 1994, 1995, and 1996.”.

3 (b) GRANT ASSISTANCE.—Section 307(j)(1) of the  
4 Toxic Substances Control Act (as redesignated by section  
5 4 of this Act) is amended by inserting before the period  
6 “, and \$15,000,000 for each of fiscal years 1992, 1993,  
7 1994, 1995, and 1996.”.

8 (c) SCHOOL REMEDIATION.—Section 307(j) of the  
9 Toxic Substances Control Act (as redesignated by section  
10 4 of this Act) is amended—

11 (1) by striking paragraph (5); and

12 (2) by adding at the end the following new  
13 paragraphs:

14 “(5) Of funds appropriated pursuant to this  
15 subsection for fiscal years 1994 through 1996, not  
16 more than one-third shall be used to implement  
17 radon remediation measures for local educational  
18 agencies pursuant to paragraphs (15) and (16) of  
19 subsection (c).

20 “(6) Of funds appropriated pursuant to this  
21 subsection for fiscal years 1994 through 1996, the  
22 Administrator may reserve an amount up to 2 per-  
23 cent or \$200,000, whichever is the greater, for the  
24 purposes of making grants to local educational agen-

1       cies for the implementation of measures to reduce  
2       radon levels—

3               “(A) local educational agency is prohibited  
4       by State law from receiving grant assistance  
5       from the State; and

6               “(B) the local educational agency provides  
7       not less than 50 percent of the cost of imple-  
8       menting such measures from non-Federal  
9       sources.”.

10       (d) ~~REGIONAL TRAINING CENTERS.~~—Section 309(f)  
11 of the Toxic Substances Control Act (as redesignated by  
12 section 4 of this Act) is amended by inserting before the  
13 period “, and \$1,500,000 for each of fiscal years 1992,  
14 1993, 1994, 1995, and 1996.”.

15 **SEC. 22. TECHNICAL AMENDMENTS.**

16       (a) ~~TABLE OF CONTENTS.~~—The table of contents in  
17 section 1 of the Toxic Substances Control Act (15 U.S.C.  
18 ~~2601~~ note) is amended—

19               (1) by redesignating the items relating to sec-  
20       tions 303 through 311 as 304 through 312, respec-  
21       tively;

22               (2) by inserting after the item relating to sec-  
23       tion 302 the following new item:

“Sec. 303. Priority radon areas.”;

24       and

1           (3) by adding at the end the following new  
2           items:

“Sec. 313. Radon-related information.  
“Sec. 314. Mandatory radon proficiency program.  
“Sec. 315. Medical community outreach.  
“Sec. 316. Federally owned and assisted homes, schools, and buildings.  
“Sec. 317. National radon educational campaign.  
“Sec. 318. Radon in work places.  
“Sec. 319. Preemption.  
“Sec. 320. Enforcement.  
“Sec. 321. Citizens suits.  
“Sec. 322. Periodic reassessment of health risks.”.

3           (b) RADON MITIGATION DEMONSTRATION PRO-  
4           GRAM.—Section 118(k)(2) of the Superfund Amendments  
5           and Reauthorization Act of 1986 (42 U.S.C. 7401 note)  
6           is amended—

7           (1) in subparagraph (A)—

8                   (A) by inserting “develop and” before “test  
9                   methods”; and

10                   (B) by adding at the end of the subpara-  
11                   graph the following new sentence: “The dem-  
12                   onstration program shall include the develop-  
13                   ment and evaluation of innovative low-cost tech-  
14                   niques to reduce radon concentrations in exist-  
15                   ing structure (in existence at the time of the  
16                   program), including structures with low to mod-  
17                   erate radon levels, and in new structures, and  
18                   the development and demonstration of radon  
19                   mitigation technology for multistory buildings.”.

20           (2) by striking subparagraph (B); and



1           ~~(3) by redesignating subparagraph (C) as sub-~~  
 2           ~~paragraph (B).~~

3   **SEC. 23. REPORT TO CONGRESS ON PROMOTING RADON**  
 4           **TESTING.**

5           ~~(a) EVALUATION.~~—The Administrator of the Envi-  
 6           ~~ronmental Protection Agency,~~ in consultation with the  
 7           ~~Secretary of Housing and Urban Development,~~ the Sec-  
 8           ~~retary of Agriculture,~~ and the Secretary of Veterans Af-  
 9           ~~fairs,~~ shall evaluate existing ~~(in existence at the time of~~  
 10           ~~the evaluation)~~ efforts to promote radon testing in the  
 11           homes of the United States and methods to increase radon  
 12           testing.

13           ~~(b) REPORT.~~—

14           ~~(1) IN GENERAL.~~—The Administer shall report  
 15           ~~to Congress by October 1, 1994,~~ on the effectiveness  
 16           of alternative strategies to promote radon testing.  
 17           The strategies shall include—

18                   ~~(A) grants to support the development of~~  
 19                   radon testing strategies by States;

20                   ~~(B) financial incentives to homeowners;~~

21                   ~~(C) testing and disclosure of radon levels~~  
 22                   during real estate marketing;

23                   ~~(D) public education programs;~~

24                   ~~(E) distributing radon information during~~  
 25                   real estate marketing; and

1           (F) distributing radon information with  
2           utility bills.

3           (2) CONSULTATION.—In preparing the report,  
4           the Administrator shall consult with concerned par-  
5           ties, including public interest groups, health officials,  
6           radon testing industries, realtors, home builders,  
7           utilities and the States.

8   **SEC. 24. PERIODIC REASSESSMENT OF HEALTH RISKS.**

9           Title III of the Toxic Substances Control Act (15  
10   U.S.C. 2661 et seq.) is amended by adding at the end  
11   thereof the following new section:

12   **“SEC. 322. PERIODIC REASSESSMENT OF HEALTH RISKS.**

13           The Administrator, in consultation with the heads of  
14   the National Academy of Sciences and the Centers for  
15   Disease Control, shall conduct a program to reassess, on  
16   a periodic basis, the human health risks associated with  
17   radon exposure.”.

18   **SECTION 1. SHORT TITLE.**

19           *This Act may be cited as the “Indoor Radon Abate-*  
20   *ment Reauthorization Act of 1993”.*

21   **SEC. 2. NATIONAL GOALS.**

22           *Section 301 of the Toxic Substances Control Act (15*  
23   *U.S.C. 2661) is amended—*

1           (1) in the section heading, by striking “**NA-**  
 2           **TIONAL GOAL**” and inserting “**NATIONAL**  
 3           **GOALS**”;

4           (2) by inserting “(a) *RADON LEVELS.—*” before  
 5           *the first sentence of the section; and*

6           (3) by adding at the end the following new sub-  
 7           *sections:*

8           “(b) *TESTING.—It is the goal of the United States that*  
 9           *all homes, schools, and Federal buildings be tested for*  
 10           *radon.*

11           “(c) *TARGET ACTION POINT.—*

12           “(1) *IN GENERAL.—Not later than 120 days*  
 13           *after the date of enactment of this subsection, the Ad-*  
 14           *ministrator shall establish a target action point indi-*  
 15           *cating a level of indoor radon that the Administrator*  
 16           *determines to be as close to the national ambient out-*  
 17           *door radon level as can be achieved consistently in*  
 18           *single-family homes in existence at the time of the de-*  
 19           *termination through the application of readily avail-*  
 20           *able and generally affordable radon mitigation prac-*  
 21           *tices and technologies.*

22           “(2) *REVIEW.—The Administrator shall review*  
 23           *the target action point periodically, but not less often*  
 24           *than every 5 years, and revise the target action point*  
 25           *as necessary.”.*

1 **SEC. 3. DEFINITIONS.**

2       *Section 302 of the Toxic Substances Control Act (15*  
3 *U.S.C. 2662) is amended by adding at the end the following*  
4 *new paragraphs:*

5           “(5) The term ‘Administrator’ means the Admin-  
6       *istrator of the Environmental Protection Agency.*

7           “(6) The term ‘contract for the purchase and sale  
8       *of residential real property’ means any contract or*  
9 *agreement whereby 1 party agrees to purchase from*  
10 *another party any interest in real property on which*  
11 *there is situated 1 or more residential dwelling units*  
12 *used or occupied, or intended to be used or occupied,*  
13 *wholly or partly, as the home or residence of 1 or*  
14 *more persons.*

15           “(7) The term ‘direct Federal financial assist-  
16       *ance’ means assistance (including loans) in financing*  
17 *a residential dwelling provided by the Federal Hous-*  
18 *ing Administration, Farmers Home Administration,*  
19 *and the Department of Veterans Affairs.*

20           “(8) The term ‘Federal building’ means any  
21 *building that is used primarily as an office building,*  
22 *school, hospital, or residence that is—*

23           “(A) *owned, leased, or operated by a Fed-*  
24 *eral agency;*

1           “(B) occupied by the Library of Congress, is  
 2           part of the White House, or is the residence of  
 3           the Vice President; or

4           “(C) included in the definition of ‘Capitol  
 5           Buildings’ under section 16(a) of the Act entitled  
 6           ‘An Act to define the area of the United States  
 7           Capitol Grounds, to regulate the use thereof, and  
 8           for other purposes’, approved July 31, 1946 (40  
 9           U.S.C. 193m(1)).

10          “(9) The term ‘federally owned housing’ means  
 11          any residential dwelling or multiunit residential  
 12          structures owned or managed by a Federal agency or  
 13          for which a Federal agency is a trustee or conserva-  
 14          tor. For the purpose of this paragraph, the term ‘Fed-  
 15          eral agency’ includes the Resolution Trust Corpora-  
 16          tion and the Federal Deposit Insurance Corporation.

17          “(10) The term ‘multiunit residential structure’  
 18          means a building containing more than 4 separate  
 19          residential dwelling units, each such unit used or oc-  
 20          cupied, or intended to be used or occupied, wholly or  
 21          partly, as the home or residence of 1 or more persons.

22          “(11) The term ‘person’ means an individual,  
 23          trust, firm, joint stock company, corporation (includ-  
 24          ing a government corporation), partnership, associa-  
 25          tion, State, municipality, commission, political sub-

1 *division of a State, or an interstate body. The term*  
 2 *includes each department, agency, and instrumental-*  
 3 *ity of the United States.*

4 “(12) The term ‘residential dwelling’ means—

5 “(A) a single-family dwelling or a one-fam-  
 6 ily dwelling unit in a structure containing not  
 7 more than four separate residential dwelling  
 8 units, each such unit used or occupied, or in-  
 9 tended to be used or occupied, wholly or partly,  
 10 as the home or residence of one or more persons;  
 11 or

12 “(B) a single-family or one-family dwelling  
 13 unit on the subground, ground, or first-floor-  
 14 above-ground level of a multiunit residential  
 15 structure.”.

16 **SEC. 4. PRIORITY RADON AREAS.**

17 *Title III of the Toxic Substances Control Act (15*  
 18 *U.S.C. 2661 et seq.) is amended—*

19 *(1) by redesignating sections 303 through 311*  
 20 *(15 U.S.C. 2663 through 2671) as sections 304*  
 21 *through 312, respectively; and*

22 *(2) by inserting after section 302 the following*  
 23 *new section:*

1 **“SEC. 303. PRIORITY RADON AREAS.**

2 “(a) *DESIGNATION OF AREAS.*—The Administrator  
3 shall, as expeditiously as possible, but not later than Octo-  
4 ber 1, 1993, designate areas as priority radon areas, and  
5 revise the designations, as appropriate thereafter.

6 “(b) *STANDARD FOR DESIGNATION.*—The Adminis-  
7 trator shall designate an area as a priority radon area in  
8 any case in which the Administrator determines that there  
9 is a reasonable likelihood that the average indoor radon  
10 level in the area is likely to exceed the national average  
11 indoor radon level by more than a de minimis amount.

12 “(c) *FACTORS.*—In designating priority radon areas,  
13 the Administrator shall consider the most current available  
14 information at the time of the designation, including—

15 “(1) the national assessment of radon conducted  
16 pursuant to section 118(k) of the Superfund Amend-  
17 ments and Reauthorization Act of 1986 (42 U.S.C.  
18 7401 note);

19 “(2) surveys of school buildings conducted pursu-  
20 ant to section 308;

21 “(3) surveys of Federal buildings conducted pur-  
22 suant to section 310;

23 “(4) surveys of work places conducted pursuant  
24 to section 318; and

1           “(5) any other information, including other  
2           radon measurements and geological data, that the Ad-  
3           ministrators determine to be appropriate.”.

4   **SEC. 5. CITIZEN'S GUIDE.**

5           (a) *SCHEDULE*.—Section 304(a) of the Toxic Sub-  
6           stances Control Act (as redesignated by section 4 of this  
7           Act) is amended—

8                 (1) by striking “June 1, 1989,” and inserting  
9                 “January 1, 1995,”; and

10                (2) by inserting “, in consultation with the Di-  
11                rector of the Centers for Disease Control of the De-  
12                partment of Health and Human Services,” after “Ad-  
13                ministrators” in the last sentence of the subsection.

14           (b) *ACTION LEVELS*.—Section 304(b)(1) of the Toxic  
15           Substances Control Act (as redesignated by section 4 of this  
16           Act) is amended—

17                 (1) by inserting “(A)” after “ACTION LEV-  
18                 ELS.—”; and

19                 (2) by adding at the end the following new sub-  
20                 paragraphs:

21                         “(B) The citizen's guide shall state the national  
22                         goals established in this title, and shall estimate the  
23                         average national ambient outdoor radon level. The  
24                         guide shall also indicate the health benefits of reduc-  
25                         ing indoor radon levels to ambient outdoor levels.



1           “(C) The citizen’s guide shall state and explain  
 2           the target action point established pursuant to section  
 3           301(c).”.

4           (c) *INFORMATION.*—Section 304(b)(2) of the Toxic  
 5           Substances Control Act (as redesignated by section 4 of this  
 6           Act) is amended by adding at the end the following new  
 7           subparagraph:

8           “(F) The location of priority radon areas and  
 9           the likelihood of radon levels above the target action  
 10          point within and outside of priority radon areas.”.

11   **SEC. 6. MODEL CONSTRUCTION STANDARDS.**

12          (a) *TECHNICAL AMENDMENTS.*—

13               (1) *IN GENERAL.*—Section 305 of the Toxic Sub-  
 14               stances Control Act (as redesignated by section 4 of  
 15               this Act) is amended—

16                       (A) by inserting “(a) *STANDARDS.*—” before  
 17                       the first sentence;

18                       (B) by inserting “and periodically update”  
 19                       after “develop”;

20                       (C) by striking the second and fifth sen-  
 21                       tences;

22                       (D) by inserting the following new sub-  
 23                       section after the first sentence:

1       “(b) *CONSULTATION.*—In developing and updating  
 2 standards and techniques pursuant to subsection (a), the  
 3 Administrator shall consult with—

4               “(1) the Secretary of Housing and Urban Devel-  
 5 opment;

6               “(2) organizations that are involved in establish-  
 7 ing national building construction standards and  
 8 techniques; and

9               “(3) national organizations that represent home-  
 10 builders and State and local housing agencies (includ-  
 11 ing public housing agencies).”;

12               (E) by striking “The model standards” and in-  
 13 serting the following:

14       “(c) *GEOGRAPHIC DIFFERENCES.*—

15               “(1) *IN GENERAL.*—The model standards”; and

16               (F) by striking “The Administrator shall work to  
 17 ensure” and inserting the following:

18       “(d) *IMPLEMENTATION.*—The Administrator shall  
 19 work to ensure”.

20               (2) *SCHEDULE.*—Section 305 of the Toxic Sub-  
 21 stances Control Act (as redesignated by section 4 of  
 22 this Act, and as amended by paragraph (1)) is fur-  
 23 ther amended by adding at the end the following new  
 24 subsection:

1       “(e) *SCHEDULE.*—The Administrator shall publish  
2   *final radon control standards and techniques for—*

3               “(1) *residential dwellings and make the tech-*  
4   *niques available to the public and the building indus-*  
5   *try by not later than 60 days after the date of enact-*  
6   *ment of this subsection; and*

7               “(2) *multiunit residential structures and schools*  
8   *by not later than January 1, 1995.”.*

9       (b) *OBJECTIVES.*—Section 305 of the Toxic Substances  
10 *Control Act (as redesignated by section 4 of this Act, and*  
11 *as amended by subsection (a) of this section) is further*  
12 *amended by adding at the end of subsection (c) (as des-*  
13 *ignated by subsection (a)(1)(E) of this section) the following*  
14 *new paragraph:*

15               “(2) *MODEL STANDARDS AND TECHNIQUES.*—(A)  
16   *The model standards and techniques shall—*

17                       “(i) *indicate a range of effective radon con-*  
18   *trol measures, practices, and techniques, that*  
19   *apply to original construction of a wide variety*  
20   *of building types, locations, conditions, and cir-*  
21   *cumstances; and*

22                       “(ii) *indicate the general range of radon*  
23   *control achievable by the measures, individually,*  
24   *and in combination with, other measures.*

1           “(B)(i) At a minimum, the Administrator shall  
 2       establish minimum radon reduction measures, prac-  
 3       tices, and techniques for new construction for the pur-  
 4       pose of determining compliance with this section.

5           “(ii) The radon standards shall be designed—

6               “(I) to require the use of reasonably avail-  
 7       able and economically achievable techniques; and

8               “(II) where possible, to achieve indoor  
 9       radon levels in homes that are less than the tar-  
 10      get action point established pursuant to section  
 11      301(c) by using the techniques referred to in  
 12      subclause (I).”.

13       (c) *FEDERALLY ASSISTED HOUSING.*—Section 305 of  
 14      the Toxic Substances Control Act (as redesignated by sec-  
 15      tion 4 of this Act, and as amended by subsection (b) of this  
 16      section) is further amended by adding at the end the follow-  
 17      ing new subsection:

18       “(f) *FEDERALLY ASSISTED HOUSING.*—The appro-  
 19      priate Federal official shall require that any residential  
 20      dwelling or multiunit residential structure constructed—

21           “(1) later than 2 years after the date of the es-  
 22      tablishment of new construction standards pursuant  
 23      to this section or the date of enactment of this section,  
 24      whichever is later, in an area designated by the Ad-  
 25      ministrator as a priority radon area; or

1           “(2) later than 2 years after the designation of  
 2       an area as a priority radon area, whichever is later,  
 3 shall be constructed in accordance with the radon control  
 4 standards established pursuant to subsection (c)(2)(B), be-  
 5 fore providing any direct Federal financial assistance.”.

6       (d) DESIGN AWARDS AND CERTIFICATION.—Section  
 7 305 of the Toxic Substances Control Act (as redesignated  
 8 by section 4 of this Act, and as amended by subsection (c)  
 9 of this section) is further amended by adding at the end  
 10 the following new subsection:

11       “(g) DESIGN AWARDS.—

12           “(1) IN GENERAL.—The Administrator shall es-  
 13 tablish a radon design awards program.

14           “(2) DESIGN AWARDS.—The radon design  
 15 awards program shall provide for an award for the  
 16 best residential design incorporating radon control or  
 17 mitigation standards for each category of residential  
 18 design that the Administrator shall determine.”.

19       (e) RELATIONSHIP TO STATE AND LOCAL STAND-  
 20 ARDS.—Section 305 of the Toxic Substances Control Act (as  
 21 redesignated by section 4 of this Act, and as amended by  
 22 subsection (d) of this section) is further amended by adding  
 23 at the end the following new subsections:

24       “(h) RELATIONSHIP TO STATE AND LOCAL STAND-  
 25 ARDS.—The standards published pursuant to this section

1 *shall not preempt the use of any State or local building*  
 2 *standard if the State or local standard is equally effective*  
 3 *in reducing radon levels as the standards published pursu-*  
 4 *ant to this section.*

5       “(i) *CODE PROMOTION.*—*The Administrator shall de-*  
 6 *velop a program to provide assistance to local governments,*  
 7 *builders, national code organizations, national associations,*  
 8 *States and other persons and entities that the Adminis-*  
 9 *trator determines to be appropriate to implement the adop-*  
 10 *tion and use of radon-resistant building standards. The as-*  
 11 *sistance may include educational and outreach materials*  
 12 *and technical assistance.”.*

13 ***SEC. 7. TECHNICAL ASSISTANCE.***

14       “(a) *ACTIVITIES.*—*Section 306(a) of the Toxic Sub-*  
 15 *stances Control Act (as redesignated by section 4 of this*  
 16 *Act) is amended by adding at the end the following new*  
 17 *paragraphs:*

18               “(9) *Development of a model State program to*  
 19 *disseminate radon information to State and local ten-*  
 20 *ant organizations.*

21               “(10) *Assistance to State agencies and other or-*  
 22 *ganizations concerning the assessment and mitigation*  
 23 *of radon in public water supplies.*

24               “(11) *Assistance to State agencies and other or-*  
 25 *ganizations to facilitate prompt adoption and effec-*

1        *tive enforcement of new construction standards for re-*  
 2        *ducing radon levels developed pursuant to section 305.*

3        *“(12) Development of—*

4                *“(A) testing guidelines for multiunit resi-*  
 5                *dential structures and multistory buildings not*  
 6                *later than 180 days after the date of enactment*  
 7                *of this paragraph; and*

8                *“(B) mitigation guidelines not later than 3*  
 9                *years after the date of enactment of this para-*  
 10               *graph.*

11        *“(13) Issuance of guidance to States on appro-*  
 12        *priate elements of State radon measurement and*  
 13        *mitigation proficiency programs, including guidelines*  
 14        *to address the potential for test tampering.”.*

15        *(b) PROFICIENCY TESTING.—Section 306 of the Toxic*  
 16        *Substances Control Act (as redesignated by section 4 of this*  
 17        *Act) is amended—*

18                *(1) in subsection (a)(2), by striking “voluntary”;*  
 19        *and*

20                *(2) in subsection (e)(2)—*

21                *(A) by inserting “(A)” before “To cover the*  
 22                *operating cost”;*

23                *(B) by striking “No such charge may be im-*  
 24                *posed on any State or local government.”; and*

1                   (C) by adding at the end, the following new  
2                   subparagraphs:

3           “(B)(i) Except as otherwise provided in clause (ii), for  
4   the purposes of this paragraph, the term ‘small business’  
5   means a corporation, partnership, or unincorporated busi-  
6   ness that—

7                   “(I) has 150 or fewer employees; and

8                   “(II) for the 3-year period preceding the date of  
9   the assessment, has an average annual gross revenue  
10   from radon measurement and mitigation activities in  
11   an amount that does not exceed \$40,000,000.

12           “(ii) If, after consultation with the Small Business Ad-  
13   ministration, the Administrator determines that a modi-  
14   fication of the definition of the term ‘small business’ under  
15   clause (i) is appropriate to characterize small businesses as-  
16   sociated with radon measurement and mitigation, the Ad-  
17   ministrator shall, by regulation, modify the definition in  
18   such manner as the Administrator determines to be appro-  
19   priate.

20           “(C) The Administrator shall consider reductions of  
21   such charges for small businesses pursuant to the Regu-  
22   latory Flexibility Act (5 U.S.C. 601 et seq.).

23           “(D) No such change may be imposed on any State  
24   or local government. In the case of a State that administers  
25   a radon proficiency program pursuant to section 314(c),



1 *the State may impose charges consistent with any charges*  
 2 *that would otherwise have been imposed by the Adminis-*  
 3 *trator. Any amounts collected by a State as charges under*  
 4 *this paragraph may be used as part of the non-Federal*  
 5 *share of any grant awarded pursuant to section 307.”.*

6 *(c) INFORMATION PROVIDED TO STATE LOW-INCOME*  
 7 *WEATHERIZATION ASSISTANCE PROGRAMS.—Section*  
 8 *306(c) of the Toxic Substances Control Act (as redesignated*  
 9 *by section 4 of this Act) is amended—*

10 *(1) in the subsection heading, by inserting “AND*  
 11 *STATE LOW-INCOME WEATHERIZATION ASSISTANCE*  
 12 *PROGRAMS” after “ORGANIZATIONS”;*

13 *(2) by striking “The Administrator, or” and in-*  
 14 *serting the following:*

15 *“(1) IN GENERAL.—The Administrator, or”;* and

16 *(3) by adding at the end the following new para-*  
 17 *graphs:*

18 *“(2) CONSULTATION.—The Administrator shall*  
 19 *consult with the Secretary of Energy to ensure that*  
 20 *energy-related health concerns from radon are ad-*  
 21 *dressed in State low-income weatherization assistance*  
 22 *programs authorized under part A of title IV of the*  
 23 *Energy Conservation and Production Act (42 U.S.C.*  
 24 *6861 et seq.).*

1           “(3) *AVAILABILITY OF INFORMATION.*—The Ad-  
 2           ministrators shall make information on radon meas-  
 3           urement and mitigation available to, and assist in  
 4           the development of procedures for radon testing and  
 5           mitigation that may be used by, recipients of low-in-  
 6           come weatherization assistance program grants from  
 7           a State.”.

8   **SEC. 8. GRANT ASSISTANCE.**

9           (a) *GRANT ASSISTANCE FOR SCHOOL TESTING.*—Sec-  
 10          tion 307(a) of the Toxic Substances Control Act (as redesign-  
 11          ated by section 4 of this Act) is amended—

12                 (1) by inserting “(1)” before “For each fiscal  
 13                 year”; and

14                 (2) by adding at the end the following new para-  
 15                 graph:

16                 “(2) The Administrator may not make a grant under  
 17                 this section to a State that has local educational agencies  
 18                 that are required to conduct radon tests pursuant to section  
 19                 308(d) unless the State has established a program to provide  
 20                 financial assistance to local educational agencies (including  
 21                 the owners of private nonprofit schools) that the State deter-  
 22                 mines to be in financial need to pay for all of the costs  
 23                 of conducting radon tests pursuant to this section.”

24           (b) *ELIGIBLE ACTIVITIES.*—Section 307(c) of the Toxic  
 25          Substances Control Act (as redesignated by section 4 of this

1 *Act) is amended by adding at the end the following new*  
2 *paragraphs:*

3           “(11) *Technical assistance to public water sup-*  
4 *ply systems concerning the mitigation of radon in*  
5 *public water supplies, and public education and in-*  
6 *formation activities to assist homeowners in the as-*  
7 *essment and mitigation of radon in private drinking*  
8 *water supplies.*

9           “(12) *Activities to—*

10               “(A) *adopt model new construction stand-*  
11 *ards for reducing radon levels developed pursu-*  
12 *ant to section 305 with respect to the State; and*

13               “(B) *ensure the implementation of the*  
14 *standards in the State.*

15           “(13) *Technical and financial assistance to non-*  
16 *profit public interest groups to encourage radon test-*  
17 *ing and mitigation at local levels.*

18           “(14) *Targeting outreach and technical assist-*  
19 *ance activities to licensed child care facilities in pri-*  
20 *ority radon areas.*

21           “(15) *Notwithstanding the limitation in sub-*  
22 *section (i)(4), payments, in the form of grants or*  
23 *loans, of all or a portion of the cost of implementing*  
24 *remediation measures necessary to prevent, in school*  
25 *buildings, levels of radon above the target action point*

1     *identified pursuant to section 301(c) if the payment*  
2     *is made in consideration of the financial need of the*  
3     *applicant and the risk posed by the radon level in the*  
4     *building that is the subject of the grant or loan.*

5             *“(16) Notwithstanding the limitation in sub-*  
6     *section (i)(4), payment of the costs of conducting*  
7     *radon tests.*

8             *“(17) Educational programs, for members of the*  
9     *housing industry, concerning the model construction*  
10    *standards and techniques published pursuant to sec-*  
11    *tion 305.*

12            *“(18) Financial assistance to conduct surveys to*  
13    *improve the precision of priority radon areas.*

14            *“(19) Notwithstanding the limitation in sub-*  
15    *section (i)(4), providing radon measurement devices*  
16    *to recipients of low-income weatherization assistance*  
17    *program grants from the Department of Energy pur-*  
18    *suant to part A of title IV of the Energy Conservation*  
19    *and Production Act (42 U.S.C. 6861 et seq.).*

20            *“(20) Notwithstanding the limitation in sub-*  
21    *section (i)(4), providing funding for radon abatement*  
22    *of homes found to have elevated radon levels that re-*  
23    *ceive assistance under the low-income weatherization*  
24    *assistance program of the Department of Energy au-*  
25    *thorized under part A of title IV of the Energy Con-*

1       *servation and Production Act (42 U.S.C. 6861 et*  
 2       *seq.), on the following conditions:*

3               “(A) A State may provide an amount not  
 4               to exceed \$600 per home.

5               “(B) The funds provided are used in con-  
 6               junction with the amount of funding provided  
 7               for radon abatement pursuant to the low-income  
 8               weatherization assistance program of the Depart-  
 9               ment of Energy or a similar Federal assistance  
 10              program for low-income persons.

11              “(C) The funds provided by the Adminis-  
 12              trator under this paragraph shall be used only  
 13              for radon measurement and mitigation-related  
 14              work.”.

15       (c) *PREFERENCE TO CERTAIN STATES.*—Section  
 16       307(d) of the Toxic Substances Control Act (as redesignated  
 17       by section 4 of this Act) is amended—

18              (1) by striking “1991” and inserting “1994”;  
 19              and

20              (2) by striking “under section 304.” and insert-  
 21              ing the following: “under section 305 or have adopted  
 22              equally effective standards.”.

23       (d) *FEDERAL SHARE.*—Section 307(f) of the Toxic  
 24       Substances Control Act (as redesignated by section 4 of this

1 Act) is amended by striking “in the third year” and insert-  
 2 ing “in each succeeding year”.

3 (e) ASSISTANCE TO LOCAL GOVERNMENTS.—Section  
 4 307(g) of the Toxic Substances Control Act (as redesignated  
 5 by section 4 of this Act) is amended—

6 (1) by striking “and (6)” and inserting “(6),  
 7 (11), (12), (14), (15), and (16),”;

8 (2) by inserting “(1)” after “GOVERN-  
 9 MENTS.—”; and

10 (3) by adding at the end the following new para-  
 11 graph:

12 “(2) Any remediation plan for reducing radon in  
 13 school buildings implemented pursuant to this section shall  
 14 be reviewed for consistency with Environmental Protection  
 15 Agency guidance by the school official responsible for au-  
 16 thorizing the types of structural changes referred to in the  
 17 plan.”.

18 (f) INFORMATION.—Section 307(h) of the Toxic Sub-  
 19 stances Control Act (as redesignated by section 4 of this  
 20 Act) is amended—

21 (1) in paragraph (3), by striking “305(a)(2)”  
 22 and inserting “306(a)(2)”; and

23 (2) by adding at the end the following new para-  
 24 graph:

1       “(4) Any State that receives funds under this section  
 2 shall investigate consumer complaints concerning radon  
 3 services that violate the radon proficiency program of the  
 4 Environmental Protection Agency or the State. An appro-  
 5 priate official of the State shall advise the Administrator  
 6 concerning any person who violates the requirements of sec-  
 7 tion 314.”.

8       (g) LIMITATIONS.—Section 307(i) of the Toxic Sub-  
 9 stances Control Act (as redesignated by section 4 of this  
 10 Act) is amended by adding at the end the following new  
 11 paragraphs:

12       “(5) With respect to a State, the cost of carrying out  
 13 subsection (c)(20) shall not exceed an amount equal to 25  
 14 percent of the costs of the State radon program activities  
 15 implemented with Federal assistance.

16       “(6) No grant may be made to a State under this sec-  
 17 tion for the costs of carrying out paragraphs (15) and (16)  
 18 of subsection (c) if the State does not provide assurances  
 19 that the State will provide assistance pursuant to the grant  
 20 to private nonprofit schools in the same manner as the  
 21 State provides the assistance to public schools (unless the  
 22 State is prohibited by State law to provide the assistance).”.

23       (h) AUTHORIZATION.—Section 307(j) of the Toxic Sub-  
 24 stances Control Act (as redesignated by section 4 of this  
 25 Act) is amended by striking paragraph (5).

1       (i) *EFFECT ON STATE LAW.*—Section 307 of the Toxic  
 2       Substances Control Act (as redesignated by section 4 of this  
 3       Act) is amended by adding at the end the following new  
 4       subsection:

5       “(k) *EFFECT ON STATE LAW.*—Nothing in this section  
 6       is intended to be construed to supersede or modify any pro-  
 7       vision of a State law (including a State constitution) that  
 8       prohibits the expenditure of public funds in or by sectarian  
 9       institutions, except that no provision of State law (includ-  
 10      ing a State constitution) may be construed to prohibit the  
 11      expenditure in or by a sectarian institution of any Federal  
 12      funds made available pursuant to this section.”.

13   **SEC. 9. RADON IN SCHOOLS.**

14       Section 308 of the Toxic Substances Control Act (as  
 15       redesignated by section 4 of this Act) is amended by adding  
 16       at the end the following new subsections:

17       “(c) *GUIDELINES.*—

18               “(1) *IN GENERAL.*—Not later than 1 year after  
 19       the date of enactment of this subsection, the Adminis-  
 20       trator shall publish guidelines on testing for and re-  
 21       mediating radon in school buildings. The guidelines  
 22       shall include a radon testing manual for employees of  
 23       local educational agencies that is easily understand-  
 24       able to the employees.



1           “(2) *REQUIREMENTS AFTER PUBLICATION OF*  
 2           *GUIDELINES.*—After the publication of the guidelines  
 3           pursuant to this subsection, any testing or remedi-  
 4           ation carried out pursuant to this section shall be  
 5           conducted in a manner consistent with the guidelines.

6           “(3) *INTERIM GUIDELINES.*—Any radon testing  
 7           or remediation of school buildings conducted prior to  
 8           the publication of guidelines pursuant to this sub-  
 9           section shall be considered to meet the requirements of  
 10          this section if the testing or remediation is conducted  
 11          in a manner consistent with any interim guidance  
 12          published by the Administrator or by a State (in any  
 13          case where the Administrator determines that the  
 14          guidelines of the interim guidance are substantially  
 15          consistent with the guidelines published under this  
 16          subsection).

17          “(d) *REQUIREMENT FOR RADON TESTING.*—

18               “(1) *IN GENERAL.*—

19                   “(A) *TESTS.*—Not later than October 1,  
 20                   1998, each local educational agency located in  
 21                   whole or in part in a priority radon area shall  
 22                   conduct tests for radon in each school building  
 23                   owned or operated by the local educational agen-  
 24                   cy in the priority radon area.

1           “(B) *APPLICABILITY OF REQUIREMENT.*—  
2           *The requirement described in subparagraph (A)*  
3           *shall apply to the extent that funds are made*  
4           *available pursuant to section 307(j) and distrib-*  
5           *uted as grants to States pursuant to section 307*  
6           *for use by each of the recipient States to provide*  
7           *financial assistance to the local educational*  
8           *agencies (including the owners of private non-*  
9           *profit schools) that the recipient State determines*  
10          *to be in financial need to pay for all of the costs*  
11          *of conducting radon tests pursuant to this sec-*  
12          *tion.*

13          “(2) *TEST RESULTS.*—

14               “(A) *IN GENERAL.*—*The results of any tests*  
15               *conducted pursuant to this section by a local*  
16               *educational agency shall be available for public*  
17               *review in the administrative offices of the local*  
18               *educational agency during normal business*  
19               *hours.*

20               “(B) *NOTIFICATION.*—*The local educational*  
21               *agency shall—*

22                       “(i) *notify parent, teacher, and em-*  
23                       *ployee organizations of the results; and*

1                   “(ii) send the results to the Adminis-  
2                   trator and the agency of the State that im-  
3                   plements radon programs.

4                   “(3) RADON TESTING.—

5                   “(A) TESTING BY EMPLOYEES OF LOCAL  
6                   EDUCATIONAL AGENCIES.—A local educational  
7                   agency may use 1 (or more) employee of the local  
8                   educational agency to conduct radon testing if  
9                   the employee reads the radon testing manual de-  
10                  veloped pursuant to subsection (c)(1) prior to  
11                  conducting the testing, and conducts the testing  
12                  in a manner consistent with the manual, or if  
13                  the employee has received training from a re-  
14                  gional radon training center or a State radon  
15                  training program.

16                  “(B) TESTING BY OTHER INDIVIDUALS.—  
17                  Any radon testing conducted pursuant to this  
18                  section by an individual who is not an employee  
19                  of a local educational agency shall be supervised  
20                  by an individual who has received instruction  
21                  pursuant to a program of the Environmental  
22                  Protection Agency or an equivalent State-ap-  
23                  proved program, as determined by the Adminis-  
24                  trator.

1           “(C) *RADON MEASUREMENT DEVICES.*—Any  
 2           individual conducting a radon test in a school  
 3           pursuant to this section shall use radon measure-  
 4           ment devices and methods approved by the radon  
 5           proficiency program established pursuant to sec-  
 6           tions 306(a)(2) and 314.”.

7   **SEC. 10. REGIONAL RADON TRAINING CENTERS.**

8           Section 309(b) of the Toxic Substances Control Act (as  
 9           redesignated by section 4 of this Act) is amended by adding  
 10          at the end the following new sentence: “The regional radon  
 11          training centers are authorized to provide training to State  
 12          and local building code officials, contractors, and other per-  
 13          sons or entities of the building community, on the model  
 14          construction standards and techniques published pursuant  
 15          to section 305.”.

16   **SEC. 11. FEDERAL BUILDINGS.**

17          Section 310 of the Toxic Substances Control Act (as  
 18          redesignated by section 4 of this Act) is amended by adding  
 19          at the end the following new subsections:

20          “(g) *RADON ASSESSMENT AND MITIGATION PLAN.*—  
 21          (1) Not later than January 1, 1994, the Administrator shall  
 22          submit to Congress a plan describing activities to be under-  
 23          taken by appropriate Federal agencies to assess and miti-  
 24          gate radon in Federal buildings.

1       “(2) The Administrator shall consult with the heads  
2 of affected Federal agencies in the development of the plan  
3 required under this subsection.

4       “(3) The plan required under this subsection shall, at  
5 a minimum—

6           “(A) include a list of each Federal building and  
7 an indication of the results of any radon tests for the  
8 buildings conducted by the date of issuance of the  
9 plan;

10          “(B) specify the Federal buildings for which as-  
11 sessment and mitigation will be undertaken on an ex-  
12 pedited basis on the basis of a consideration of—

13           “(i) the radon levels in the buildings;

14           “(ii) the number of people exposed to high  
15 radon levels; and

16           “(iii) the susceptibility of the building to  
17 mitigation;

18          “(C) specify the schedule for mitigation for each  
19 Federal building in which radon levels exceed the tar-  
20 get action level specified in section 303(b)(1)(C); and

21          “(D) specify the Federal agency responsible for  
22 the building, the estimated cost of mitigation, and the  
23 source of funds for assessment and mitigation actions.

24       “(4) At a minimum, the head of each Federal agency  
25 that is responsible for Federal buildings shall ensure that—

1           “(A) all schools and residences that are Federal  
2       buildings are assessed to determine radon levels by  
3       not later than January 1, 1996;

4           “(B) all other Federal buildings are assessed to  
5       determine radon levels by not later than January 1,  
6       1998; and

7           “(C) in the case of a Federal building with a  
8       radon level above the target action point established  
9       by the Administrator pursuant to section 301(c),  
10      measures designed to achieve radon levels at or below  
11      the target action point shall be implemented by not  
12      later than 2 years after the applicable deadline for as-  
13      sessment specified in this paragraph.

14          “(5) In implementing radon assessment and mitiga-  
15      tion activities, the head of a Federal agency shall employ  
16      as a contractor a private firm certified by the Adminis-  
17      trator as proficient pursuant to section 306(a)(2).

18          “(6) Not later than 2 years after the submittal of the  
19      plan required under this subsection, the Administrator shall  
20      submit to Congress a report on actions taken to implement  
21      the plan.

22          “(h) EXEMPTIONS.—This section shall not apply to  
23      temporary housing provided to victims of an emergency or  
24      major disaster pursuant to the Robert T. Stafford Disaster  
25      Relief and Emergency Assistance Act (42 U.S.C. 5121 et

1 *seq.) or other similar temporary housing provided by a Fed-*  
 2 *eral, State, or local agency.”.*

3 **SEC. 12. RADON INFORMATION.**

4 *Title III of the Toxic Substances Control Act (15*  
 5 *U.S.C. 2661 et seq.) (as amended by section 4 of this Act)*  
 6 *is further amended by adding at the end the following new*  
 7 *section:*

8 **“SEC. 313. DISCLOSURE OF INFORMATION CONCERNING**  
 9 **RADON UPON TRANSFER OF RESIDENTIAL**  
 10 **DWELLINGS.**

11 *“(a) RADON DISCLOSURE IN PURCHASE AND SALE OR*  
 12 *LEASE OF RESIDENTIAL DWELLINGS.—*

13 *“(1) RADON HAZARDS.—Not later than 2 years*  
 14 *after the date of enactment of this section, the Admin-*  
 15 *istrator and the Secretary of Housing and Urban De-*  
 16 *velopment shall promulgate regulations for the disclo-*  
 17 *sure of radon hazards in residential dwellings that*  
 18 *are offered for sale or lease. The regulations shall re-*  
 19 *quire that, before a purchaser or lessee is obligated*  
 20 *under any contract to purchase or lease the residen-*  
 21 *tial dwelling, the seller or lessor shall provide the pur-*  
 22 *chaser or lessee with a radon information pamphlet*  
 23 *that meets the requirements of paragraph (2).*

24 *“(2) RADON INFORMATION PAMPHLET.—*

1           “(A) *IN GENERAL.*—Not later than 18  
2           months after the date of enactment of this sec-  
3           tion, the Administrator, in consultation with the  
4           Secretary of Housing and Urban Development,  
5           representatives of national organizations that  
6           represent State and local housing agencies (in-  
7           cluding public housing agencies), real estate  
8           groups, citizen groups and other groups that the  
9           Administrator determines to be appropriate,  
10          shall develop a written document containing  
11          radon-related information.

12           “(B) *CONTENTS OF DOCUMENT.*—The docu-  
13          ment shall include, at a minimum—

14           “(i) information indicating the health  
15          risk associated with different levels of radon  
16          exposure consistent with the health informa-  
17          tion in the citizen’s guide under section  
18          304;

19           “(ii) information regarding the advis-  
20          ability of undertaking measures to mitigate  
21          dangerous levels of radon;

22           “(iii) information regarding appro-  
23          priate Federal agencies and departments  
24          and agencies of States and that can provide  
25          further information on the health risk from



1           *radon, and a list of firms or other entities*  
2           *approved by the Administrator for the pur-*  
3           *poses of radon detection and mitigation;*

4           “(iv) *recommended Environmental*  
5           *Protection Agency radon testing procedures*  
6           *that will provide quality and reliable meas-*  
7           *urements in conjunction with a real estate*  
8           *transaction and information on technologies*  
9           *to minimize the potential for test tamper-*  
10          *ing;*

11          “(v) *a statement that a prospective*  
12          *purchaser of a residential dwelling has an*  
13          *opportunity to conduct a test to determine*  
14          *the level of radon in the dwelling prior to*  
15          *becoming obligated to purchase the residen-*  
16          *tial dwelling; and*

17          “(vi) *a statement that the Adminis-*  
18          *trator recommends a radon test prior to the*  
19          *purchase of a residential dwelling.*

20          “(3) *COMPLIANCE ASSURANCE.—In any case in*  
21          *which a seller or lessor has entered into a contract*  
22          *with an agent for the purpose of selling or leasing a*  
23          *residential dwelling, the regulations promulgated*  
24          *under this section shall require the agent, on behalf*

1       of the seller or lessor, to ensure compliance with the  
2       requirements of this section.

3           “(4) *PROMULGATION.*—A suit may be brought  
4       against the Administrator under section 321 to com-  
5       pel the promulgation of the regulations required  
6       under this section. The Federal district court shall  
7       have jurisdiction to order the promulgation of the reg-  
8       ulations.

9           “(5) *OTHER DISCLOSURE REQUIREMENTS.*—To  
10      the extent allowable by law, the Administrator may  
11      consolidate the methods and procedures for meeting  
12      the disclosure requirements applicable under this sec-  
13      tion with methods and procedures for meeting other  
14      disclosure requirements applicable under any other  
15      provision of law.

16      “(b) *CIVIL LIABILITY.*—

17           “(1) *IN GENERAL.*—Any person who knowingly  
18      violates any provision of this section shall be jointly  
19      and severally liable to a mortgage applicant, pur-  
20      chaser, or lessee in an amount equal to 3 times the  
21      amount of damages incurred by the individual.

22           “(2) *COURT COSTS AND ATTORNEY FEES.*—In  
23      any civil action brought for damages under this sub-  
24      section, the appropriate court may award court costs  
25      to the party that commences the action, together with

1        *reasonable attorney fees and any expert witness fees,*  
 2        *in any case in which the party prevails.*

3        “(c) *VALIDITY OF CONTRACTS AND LIENS.*—*Nothing*  
 4        *in this section shall—*

5                “(1) *affect the validity or enforceability of any*  
 6        *sale or contract for the purchase and sale or lease of*  
 7        *any interest in residential dwellings or any loan,*  
 8        *loan agreement, mortgage, or lien made or arising in*  
 9        *connection with a mortgage loan; or*

10               “(2) *create a defect in title.*

11        “(d) *EFFECTIVE DATE.*—*The regulations under this*  
 12        *section shall take effect on the date that is 3 years after*  
 13        *the date of the enactment of this section.”.*

14        ***SEC. 13. MANDATORY RADON PROFICIENCY PROGRAM.***

15        *Title III of the Toxic Substances Control Act (15*  
 16        *U.S.C. 2661 et seq.) (as amended by section 12 of this Act)*  
 17        *is further amended by adding at the end the following new*  
 18        *section:*

19        ***“SEC. 314. MANDATORY RADON PROFICIENCY PROGRAM.***

20               “(a) *MANDATORY PARTICIPATION.*—*Beginning on the*  
 21        *date that is 2 years after the date of the enactment of this*  
 22        *section, no person shall offer radon measurement devices for*  
 23        *distribution in commerce that have not been approved by*  
 24        *the Administrator or offer radon measurement or mitiga-*  
 25        *tion services to the public unless the person has successfully*

1 *completed the radon proficiency program of the Environ-*  
 2 *mental Protection Agency, or appropriate portions of the*  
 3 *program or a State radon proficiency program that is au-*  
 4 *thorized by State law and with respect to which the Admin-*  
 5 *istrator has delegated to the State the authority to conduct*  
 6 *the program pursuant to subsection (d).*

7       “(b) *STATUTORY CONSTRUCTION.—Nothing in this*  
 8 *section shall be construed to apply to governmental units*  
 9 *or nonprofit organizations that provide a radon service for*  
 10 *their own use and do not provide that service for commer-*  
 11 *cial purposes.*

12       “(c) *PROGRAM.—*

13               “(1) *IN GENERAL.—The Administrator shall ad-*  
 14 *minister the mandatory proficiency program under*  
 15 *this section in a manner consistent with the Guidance*  
 16 *to States on Radon Certification of the Environ-*  
 17 *mental Protection Agency.*

18               “(2) *REFERENCE STANDARD.—The Adminis-*  
 19 *trator, in cooperation with the Director of the Na-*  
 20 *tional Institute of Science and Technology, shall de-*  
 21 *velop a radon reference standard, and a protocol for*  
 22 *the proper use of the standard. The Administrator*  
 23 *shall report to the Congress not later than 2 years*  
 24 *after the date of enactment of this paragraph, on the*  
 25 *progress in implementing this paragraph.*

1           “(3) *PERFORMANCE STANDARD.*—After consulta-  
2           tion with the appropriate officials of appropriate or-  
3           ganizations, the Administrator shall establish per-  
4           formance standards for radon and radon decay prod-  
5           uct measurement instrumentation. The standards  
6           may include design features or performance capabili-  
7           ties to ensure reliable indoor radon measurements  
8           under various measurement situations.

9           “(4) *LISTING.*—The Administrator shall periodi-  
10          cally, but not less often than annually, make avail-  
11          able a list of persons (including individuals and orga-  
12          nizations) that meet the mandatory radon proficiency  
13          program requirements of the Administrator. At a  
14          minimum, the list shall specify the type of proficiency  
15          applicable to the listed person. The list also shall in-  
16          dicate completion of any State proficiency program.

17          “(d) *DELEGATION.*—The Administrator is authorized  
18          to enter into any agreement or other arrangement with any  
19          State for the purpose of delegating the radon proficiency  
20          program of the Environmental Protection Agency, includ-  
21          ing enforcement provisions, or any other part of the pro-  
22          gram, to the State, if the State program is consistent with  
23          or more stringent than the Federal program.

24          “(e) *PROHIBITED ACTS.*—For the purposes of this sec-  
25          tion, it shall be unlawful for any person to—

1           “(1) fail or refuse to comply with this section  
2           (including any rule or regulation promulgated under  
3           this section or order issued pursuant to this section);  
4           or

5           “(2) fail or refuse to, pursuant to an applicable  
6           requirement of this section—

7                   “(A) establish or maintain records as re-  
8                   quired by the Administrator or by a State with  
9                   respect to which the Administrator has entered  
10                  into an agreement or other arrangement under  
11                  subsection (d);

12                  “(B) submit any report, notice, or other in-  
13                  formation, required to be submitted by the Ad-  
14                  ministrator or by the appropriate official of a  
15                  State the Administrator has entered into an  
16                  agreement or other arrangement under subsection  
17                  (d);

18                  “(C) permit entry or inspection by the Ad-  
19                  ministrator, or by the appropriate official of a  
20                  State with respect to which the Administrator  
21                  has entered into an agreement or other arrange-  
22                  ment under subsection (d); or

23                  “(D) permit access to, or copying of, records  
24                  by the appropriate official of a State with re-  
25                  spect to which the Administrator has entered

1           *into an agreement or other arrangement under*  
 2           *subsection (d).”.*

3   **SEC. 14. MEDICAL COMMUNITY OUTREACH.**

4           *Title III of the Toxic Substances Control Act (15*  
 5   *U.S.C. 2661 et seq.) (as amended by section 13 of this Act)*  
 6   *is further amended by adding at the end the following new*  
 7   *section:*

8   **“SEC. 315. MEDICAL COMMUNITY OUTREACH.**

9           “(a) *IN GENERAL.*—*The Administrator, in coopera-*  
 10   *tion with the Secretary of Health and Human Services,*  
 11   *shall develop and implement an outreach program to pro-*  
 12   *vide information concerning radon to the medical commu-*  
 13   *nity.*

14          “(b) *INFORMATION.*—

15               “(1) *IN GENERAL.*—*The Administrator, in con-*  
 16   *sultation with the Secretary of Health and Human*  
 17   *Services, the Surgeon General, and the Director of the*  
 18   *Centers for Disease Control, shall develop informa-*  
 19   *tional material concerning radon tailored to physi-*  
 20   *cians in general practice and in specialties related to*  
 21   *lung cancer. The information shall, at a minimum—*

22                       “(A) *explain the health threats posed by ex-*  
 23                       *posure to radon and include a summary of sci-*  
 24                       *entific evidence that demonstrates the human*  
 25                       *health effects of exposure to radon;*

1           “(B) explain the association of radon with  
2           smoking and other causes of lung cancer;

3           “(C) identify appropriate steps to take to  
4           determine exposure to radon in the home; and

5           “(D) identify sources of additional informa-  
6           tion.

7           “(2) TRANSMITTAL OF INFORMATION.—Not later  
8           than 1 year after the date of enactment of this section,  
9           the Administrator shall transmit the information de-  
10          veloped pursuant to this section to—

11           “(A) physicians in general practice;

12           “(B) physicians in specialties related to  
13          lung cancer;

14           “(C) all physicians employed by the Federal  
15          Government;

16           “(D) all hospital administrators; and

17           “(E) other physicians and officials deter-  
18          mined by the Administrator to be appropriate.

19          “(c) REPORT.—Not later than 2 years after the date  
20          of enactment of this section, the Administrator, in consulta-  
21          tion with the Secretary of Health and Human Services,  
22          shall report to Congress concerning—

23           “(1) the implementation of this section; and



1           “(2) recommendations for measures to improve  
2       radon information dissemination to the medical com-  
3       munity.”.

4   **SEC. 15. FEDERAL HOUSING.**

5       Title III of the Toxic Substances Control Act (15  
6   U.S.C. 2661 et seq.) (as amended by section 14 of this Act)  
7   is further amended by adding at the end the following new  
8   section:

9   **“SEC. 316. FEDERALLY OWNED AND ASSISTED HOMES,**  
10                   **SCHOOLS, AND BUILDINGS.**

11       “(a) *FEDERALLY FUNDED CONSTRUCTION.*—Not later  
12   than 180 days after the publication of priority radon areas  
13   required by section 303, or the publication of model con-  
14   struction standards required by section 305, whichever is  
15   later, the head of each Federal agency shall adopt such pro-  
16   cedures as may be necessary to ensure that any new Federal  
17   building, or any school constructed with Federal financial  
18   assistance, in a priority radon area shall conform to the  
19   model construction standards required by section 305.

20       “(b) *FEDERALLY ASSISTED HOUSING.*—The Secretary  
21   of Housing and Urban Development, in cooperation with  
22   the Administrator, shall, not later than 1 year after the date  
23   of enactment of this section, disseminate in priority radon  
24   areas information concerning the health threats posed by  
25   radon, proper methods of testing for radon, and techniques

1 *for mitigating elevated radon levels to public housing agen-*  
 2 *cies and Indian housing authorities, as defined in para-*  
 3 *graphs (6) and (11), respectively, of section 3(b) of the Unit-*  
 4 *ed States Housing Act of 1937 (42 U.S.C. 1437a(b)), and*  
 5 *to owners and managers of other housing assisted under*  
 6 *other provisions of the United States Housing Act of 1937*  
 7 *(42 U.S.C. 1437 et seq.) and the National Housing Act (12*  
 8 *U.S.C. 1701 et seq.).*

9 “(c) *TESTING REQUIREMENT.*—

10 “(1) *IN GENERAL.*—Beginning on the date that  
 11 is 180 days after the date of publication of Radon  
 12 Priority Areas required by this title, any federally  
 13 owned housing in a Radon Priority Area shall be  
 14 tested for radon before a sales contract to sell the  
 15 home is signed.

16 “(2) *REQUIREMENTS FOR RADON TESTING.*—Any  
 17 radon testing conducted pursuant to this section  
 18 shall—

19 “(A) be supervised by a person who has re-  
 20 ceived instruction pursuant to a program of the  
 21 Environmental Protection Agency or equivalent  
 22 State approved program, as determined by the  
 23 Administrator; and

1           “(B) use radon measurement devices and  
 2           methods approved by the radon proficiency pro-  
 3           gram established pursuant to section 306(a)(2).

4           “(3) SATISFACTION OF REQUIREMENTS BY CER-  
 5           TAIN DEPARTMENTS AND AGENCIES.—Radon testing  
 6           conducted within a 5-year period prior to acquisition  
 7           by a Federal department or agency, or any Govern-  
 8           ment corporation or Government-controlled corpora-  
 9           tion, shall be considered to satisfy the requirements of  
 10          this section if the test otherwise meets the require-  
 11          ments of paragraph (2).

12          “(4) AVAILABILITY OF RESULTS.—The results of  
 13          a radon test required pursuant to this section shall be  
 14          made available to potential buyers of any homes de-  
 15          scribed in paragraph (1) before a sales contract to sell  
 16          the home is signed.

17          “(5) TREATMENT AS MODIFICATIONS.—To the ex-  
 18          tent that this subsection increases the costs of the Fed-  
 19          eral Government of outstanding direct loan obliga-  
 20          tions or loan guaranty commitments, the activities  
 21          shall be treated as modifications under section 504(e)  
 22          of the Federal Credit Reform Act of 1990 (2 U.S.C.  
 23          661c(e)) and shall be subject to the availability of ap-  
 24          propriations. To the extent that this subsection im-  
 25          poses additional costs to the Resolution Trust Cor-

1        *poration and the Federal Deposit Insurance Corpora-*  
2        *tion, the requirements of this subsection shall be car-*  
3        *ried out only if appropriations are provided in ad-*  
4        *vance in an appropriations Act. In the absence of ap-*  
5        *propriations sufficient to cover the costs of this sub-*  
6        *section, the requirements shall not apply to any agen-*  
7        *cy affected by the requirements.”.*

8        **SEC. 16. NATIONAL RADON EDUCATIONAL EFFORTS.**

9        *Title III of the Toxic Substances Control Act (15*  
10       *U.S.C. 2661 et seq.) (as amended by section 15 of this Act)*  
11       *is further amended by adding at the end the following new*  
12       *section:*

13       **“SEC. 317. NATIONAL RADON EDUCATIONAL CAMPAIGN.**

14       *“The Administrator shall establish a national edu-*  
15       *cation campaign to increase public awareness concerning*  
16       *radon health risks and motivate public action to reduce*  
17       *radon levels. The national education campaign shall in-*  
18       *clude the use of funds for the purchase and production of*  
19       *public educational materials. The Administrator is author-*  
20       *ized to enter into cooperative agreements to carry out this*  
21       *section.”.*

22       **SEC. 17. RADON IN WORK PLACES.**

23       *Title III of the Toxic Substances Control Act (15*  
24       *U.S.C. 2661 et seq.) (as amended by section 16 of this Act)*

1 *is further amended by adding at the end the following new*  
2 *section:*

3 ***“SEC. 318. RADON IN WORK PLACES.***

4 *“(a) STUDY OF RADON IN WORK PLACES.—*

5 *“(1) AUTHORITY.—The Director of the National*  
6 *Institute for Occupational Safety and Health of the*  
7 *Department of Health and Human Services, in con-*  
8 *sultation with the Administrator, shall conduct a*  
9 *study for the purpose of determining the extent of*  
10 *radon contamination in the work places of the*  
11 *United States.*

12 *“(2) SURVEY.—In conducting the study, the Di-*  
13 *rector of the National Institute for Occupational Safe-*  
14 *ty and Health of the Department of Health and*  
15 *Human Services and the Administrator shall be joint-*  
16 *ly responsible for designing a survey that, on comple-*  
17 *tion, shall allow Congress to characterize the extent of*  
18 *radon contamination in work places. The survey shall*  
19 *include testing from a representative sample of work*  
20 *places in each priority radon area and shall include*  
21 *additional testing, to the extent resources are avail-*  
22 *able for the testing.*

23 *“(3) REPORT.—Not later than 2 years after the*  
24 *date of enactment of this section, the Director of the*  
25 *National Institute for Occupational Safety and*

1     *Health of the Department of Health and Human*  
 2     *Services, in consultation with the Administrator,*  
 3     *shall submit to Congress a report that describes the*  
 4     *results of the study conducted pursuant to this*  
 5     *section.*

6     “(b) *AUTHORIZATION.—There are authorized to be ap-*  
 7     *propriated such sums as may be necessary to carry out this*  
 8     *section, but not to exceed \$2,000,000.”.*

9     ***SEC. 18. PREEMPTION.***

10     *Title III of the Toxic Substances Control Act (15*  
 11     *U.S.C. 2661 et seq.) (as amended by section 17 of this Act)*  
 12     *is further amended by adding at the end the following new*  
 13     *section:*

14     ***“SEC. 319. PREEMPTION.***

15     “(a) *CONSTRUCTION OF PROVISIONS AS NOT PRE-*  
 16     *EMPTING OTHER LAWS.—Nothing in this title shall be con-*  
 17     *strued, interpreted, or applied to preempt, displace, or sup-*  
 18     *plant any other Federal or State law, whether statutory or*  
 19     *common.*

20     “(b) *AWARD OF COSTS AND DAMAGE AWARDS.—Noth-*  
 21     *ing in this title shall be construed or interpreted to preclude*  
 22     *any court from awarding costs and damages associated*  
 23     *with the testing or mitigation of radon contamination, or*  
 24     *a portion of the costs, at any time.*

1       “(c) *CONSTRUCTION OF PROVISIONS AS NOT PROHIB-*  
 2 *ITING MORE STRINGENT STATE REQUIREMENTS.*—Nothing  
 3 *in this title shall be construed or interpreted as preempting*  
 4 *a State, with respect to radon within the State, from estab-*  
 5 *lishing any liability or more stringent requirement that is*  
 6 *equal to or, more stringent than, a requirement under this*  
 7 *title.*

8       “(d) *CREATION OF CAUSE OF ACTION.*—Nothing in  
 9 *this title shall create a cause of action, or in any other way*  
 10 *increase or diminish the liability of any person under any*  
 11 *other law.*

12       “(e) *EFFECT OF PROVISIONS IN CIVIL ACTIONS FOR*  
 13 *DAMAGES.*—

14               “(1) *IN GENERAL.*—It is not the intent of Con-  
 15 *gress that this section, or any rule, regulation, or or-*  
 16 *ders issued pursuant to this section, shall be inter-*  
 17 *preted as influencing, in either the favor of a plaintiff*  
 18 *or defendant, the disposition of any civil action for*  
 19 *damages relating to radon.*

20               “(2) *STATUTORY CONSTRUCTION.*—This section  
 21 *shall not affect the authority of any court to make a*  
 22 *determination in any adjudicatory proceeding under*  
 23 *applicable State law with respect to the admission*  
 24 *into evidence or any other application of this title or*

1        *rules, regulations, or orders issued pursuant to this*  
 2        *title.”.*

3        **SEC. 19. FEDERAL ENFORCEMENT.**

4        *Title III of the Toxic Substances Control Act (15*  
 5        *U.S.C. 2661 et seq.) (as amended by section 18 of this Act)*  
 6        *is further amended by adding at the end the following new*  
 7        *section:*

8        **“SEC. 320. FEDERAL ENFORCEMENT.**

9            *“(a) STATUTORY CONSTRUCTION.—Nothing in this*  
 10        *section is intended to prohibit the Administrator for elect-*  
 11        *ing to pursue relief pursuant to more than 1 subsection*  
 12        *under this section for the same violation.*

13        *“(b) ADMINISTRATIVE ORDER.—*

14            *“(1) IN GENERAL.—*

15            *“(A) ISSUANCE OF ORDER.—If, on the basis*  
 16        *of any information available to the Adminis-*  
 17        *trator, the Administrator finds that a person*  
 18        *has—*

19            *“(i) violated, or is in violation of, a re-*  
 20        *quirement section 314; or*

21            *“(ii) provided false information con-*  
 22        *cerning compliance with section 305(f) to*  
 23        *an appropriate Federal official,*  
 24        *the Administrator may issue an order requiring*  
 25        *the person to comply with the applicable require-*



1        *ment immediately, or within a specified period*  
 2        *of time, or may assess a penalty (or both).*

3                *“(B) VIOLATIONS OF SECTION 308.—If, on*  
 4        *the basis of information available to the Admin-*  
 5        *istrator, the Administrator finds that a person*  
 6        *has violated, or is in violation of, section 308,*  
 7        *the Administrator may issue an order requiring*  
 8        *the person to comply with the requirement im-*  
 9        *mediately, or within a specified period of time.*

10              *“(2) AMOUNT.—The amount of a penalty as-*  
 11        *essed pursuant to an order issued pursuant to this*  
 12        *subsection shall not exceed \$10,000 per day for each*  
 13        *violation.*

14              *“(3) NOTICE; OPPORTUNITY FOR HEARING.—*

15              *“(A) ISSUANCE.—Each order issued pursu-*  
 16        *ant to this subsection that assesses a civil pen-*  
 17        *alty shall be made on the record after oppor-*  
 18        *tunity for a hearing in accordance with section*  
 19        *554 of title 5, United States Code.*

20              *“(B) NOTICE.—Before the order becomes*  
 21        *final, the Administrator shall—*

22              *“(i) give written notice to the person to*  
 23        *be assessed a civil penalty under the order*  
 24        *of the proposal of the Administrator to issue*  
 25        *the order; and*

1           “(ii) provide the person an oppor-  
2           tunity to request, not later than 15 days  
3           after receipt of the notice, a hearing on the  
4           order.

5           “(4) CONTENTS OF ORDER.—Each order issued  
6           under this subsection shall—

7           “(A) state with reasonable specificity the  
8           nature of the violation that is the subject of the  
9           order; and

10          “(B) be served by certified mail or other ap-  
11          propriate means.

12          “(5) EFFECT OF ORDER.—No order issued under  
13          this subsection shall—

14          “(A) affect or limit the authority of the ap-  
15          propriate official of the Federal Government to  
16          take an enforcement action, including the assess-  
17          ment of a penalty for the violation of an envi-  
18          ronmental law; or

19          “(B) the obligation of a person to comply  
20          with an environmental law.

21          “(6) PENALTY FOR VIOLATION OF ORDER.—A  
22          person who violates an order issued pursuant to this  
23          subsection shall be subject to a civil penalty in an  
24          amount not to exceed \$10,000 per day for each  
25          violation.

1           “(7) *DETERMINATION OF AMOUNT OF CIVIL PEN-*  
 2           *ALTY.—In determining the amount of a civil penalty*  
 3           *under this subsection, the Administrator may take*  
 4           *into account—*

5                     “(A) *the nature, circumstances, extent, and*  
 6                     *gravity of each violation; and*

7                     “(B) *with respect to the violator, the ability*  
 8                     *to pay, the effect on the ability to continue to do*  
 9                     *business, any history of prior such violations, the*  
 10                    *degree of culpability, and such other matters as*  
 11                    *justice may require.*

12           “(c) *CIVIL JUDICIAL ENFORCEMENT.—*

13                    “(1) *IN GENERAL.—If, on the basis of informa-*  
 14                    *tion available to the Administrator, the Adminis-*  
 15                    *trator determines that—*

16                    “(A) *a person has violated, or is in viola-*  
 17                    *tion of, a requirement of section 314; or*

18                    “(B) *provided false information to the Ad-*  
 19                    *ministrator concerning compliance with section*  
 20                    *305(f) to an appropriate Federal official,*  
 21                    *the Administrator may commence a civil action for*  
 22                    *appropriate relief, including a temporary or perma-*  
 23                    *nent injunction, or assess and recover a civil penalty*  
 24                    *in an amount not to exceed \$10,000 per day for each*  
 25                    *violation (or both).*

1           “(2) *VIOLATIONS OF SECTION 308.*—If, on the  
 2           basis of information available to the Administrator,  
 3           the Administrator determines that a person has vio-  
 4           lated, or is in violation of, section 308, the Adminis-  
 5           trator may commence a civil action for a temporary  
 6           or permanent injunction.

7           “(3) *VENUE.*—An action under this subsection  
 8           may be brought in the district court of the United  
 9           States for the district—

10               “(A) in which the violation is alleged to  
 11               have occurred, or is occurring;

12               “(B) in which the defendant resides; or

13               “(C) in which the principal place of busi-  
 14               ness of the defendant is located.

15           “(4) *JURISDICTION.*—A district court referred to  
 16           in paragraph (2) shall have jurisdiction to assess a  
 17           civil penalty pursuant to this subsection and grant  
 18           any other appropriate relief.

19           “(5) *DETERMINATION OF AMOUNT OF CIVIL PEN-*  
 20           *ALTY.*—In determining the amount of a civil penalty,  
 21           the court may take into account—

22               “(A) the nature, circumstances, extent, and  
 23               gravity of each violation; and

24               “(B) with respect to the violator, the ability  
 25               to pay, the effect on the ability to continue to do

1           *business, any history of prior such violations, the*  
 2           *degree of culpability, and such other matters as*  
 3           *justice may require.”.*

4   **SEC. 20. CITIZEN SUITS.**

5           *Title III of the Toxic Substances Control Act (15*  
 6           *U.S.C. 2661 et seq.) (as amended by section 19 of this Act)*  
 7           *is further amended by adding at the end the following new*  
 8           *section:*

9   **“SEC. 321. CITIZEN SUITS.**

10          “(a) *IN GENERAL.*—

11               “(1) *IN GENERAL.*—*Except as provided in sub-*  
 12               *section (b), any person may commence a civil ac-*  
 13               *tion—*

14                       “(A) *against the United States in any case*  
 15                       *in which the United States is alleged to be in*  
 16                       *violation of section 305(f), 310, or 316, or any*  
 17                       *rule promulgated thereunder, to restrain the vio-*  
 18                       *lation;*

19                       “(B) *against any person who is alleged to*  
 20                       *be in violation of section 308 or 314, or any rule*  
 21                       *promulgated thereunder, to restrain the viola-*  
 22                       *tion; or*

23                       “(C) *against the Administrator to compel*  
 24                       *the Administrator to perform any act or duty*  
 25                       *under this title that is not discretionary.*

1           “(2) ACTIONS.—

2                   “(A) *IN GENERAL.*—Each civil action  
3                   brought under paragraph (1)(B) shall be brought  
4                   in the United States district court for the district  
5                   in which the alleged violation occurred, in which  
6                   the defendant resides, or in which the principal  
7                   place of business of the defendant is located.  
8                   Each action brought under subparagraph (A) or  
9                   (C) of paragraph (1) shall be brought in the  
10                  United States District Court for the District of  
11                  Columbia, or the United States district court for  
12                  the judicial district in which the plaintiff is  
13                  domiciled.

14                  “(B) *JURISDICTION.*—The district courts of  
15                  the United States shall have jurisdiction over  
16                  suits brought under this section, without regard  
17                  to the amount in controversy or the citizenship  
18                  of any party.

19                  “(C) *SERVICE OF PROCESS.*—In any civil  
20                  action under this subsection, process may be  
21                  served on a defendant in any judicial district in  
22                  which the defendant resides or may be found.  
23                  Subpoenas for witnesses may be served in any  
24                  judicial district.

25                  “(b) *LIMITATION.*—

1           “(1) *IN GENERAL.*—No civil action may be com-  
2       menced—

3           “(A) under subsection (a)(1)(B) to restrain  
4       a violation of this title, or rule or order under  
5       this title—

6           “(i) before the expiration of the 60-day  
7       period beginning on the date that the plain-  
8       tiff gives notice of the violation—

9           “(I) to the Administrator; and

10          “(II) to the person who is alleged  
11       to have committed the violation; or

12       “(ii) if—

13          “(I)(aa) the Administrator has  
14       commenced, and is diligently prosecut-  
15       ing, a proceeding to require compliance  
16       with this title or with a rule or order  
17       issued under this title; or

18          “(bb) the Attorney General has  
19       commenced and is diligently prosecut-  
20       ing a civil action in a court of the  
21       United States to require compliance  
22       with this title or with a rule or order  
23       issued under this title; and

1                   “(II) the proceeding or civil ac-  
2                   tion is commenced after the giving of  
3                   notice; or

4                   “(B) under subparagraph (A) or (C) of sub-  
5                   section (a)(1) before the expiration of the 60-day  
6                   period beginning on the date that the plaintiff  
7                   gives notice to the Administrator, or other ap-  
8                   propriate Federal official, of the alleged failure  
9                   of the Administrator (or other official) to per-  
10                  form an act or duty that is the basis for the ac-  
11                  tion.

12               “(2) NOTICE.—Notice under this subsection shall  
13               be given in such manner as the Administrator shall  
14               prescribe by rule.

15               “(c) OTHER REQUIREMENTS.—

16               “(1) INTERVENTION BY ADMINISTRATOR.—In  
17               any action under this section, the Administrator, if  
18               not a party, may intervene as a matter of right.

19               “(2) COURT COSTS.—The court, in issuing any  
20               final order in any action brought pursuant to sub-  
21               section (a), may award costs of suit and reasonable  
22               fees for attorneys and expert witnesses if the court de-  
23               termines that the award is appropriate. In issuing a  
24               decision in an action brought to review such an order,  
25               the court may award costs of suit and reasonable fees



1     *for attorneys if the court determines that the award*  
 2     *is appropriate.*

3             “(3) *STATUTORY CONSTRUCTION.*—*Nothing in*  
 4     *this section shall restrict any right that any person*  
 5     *(or class of persons) may have under any statute or*  
 6     *common law to seek enforcement of this Act, or any*  
 7     *rule or order under this Act, or to seek any other*  
 8     *relief.*

9             “(d) *CONSOLIDATION.*—

10            “(1) *IN GENERAL.*—*If 2 or more civil actions*  
 11     *brought under subsection (a) involve the same defend-*  
 12     *ant and the same issues or violations are pending in*  
 13     *2 or more judicial districts, the pending actions, upon*  
 14     *an application of the defendants to the actions is*  
 15     *made to a court in which any of the actions is*  
 16     *brought, may, if the court in the discretion of the*  
 17     *court so decides, be consolidated for trial by order (is-*  
 18     *sued after giving all parties reasonable notice and op-*  
 19     *portunity to be heard) of the court and tried in—*

20            “(A) *a district that is selected by the de-*  
 21     *fendant and in which 1 of the actions is pend-*  
 22     *ing;*

23            “(B) *a district that is agreed upon by stip-*  
 24     *ulation between all the parties to the actions and*  
 25     *in which 1 of the actions is pending; or*

1                   “(C) a district that is selected by the court  
2                   and in which 1 of the actions is pending.

3                   “(2) NOTIFICATION.—In issuing an order re-  
4                   ferred to in paragraph (1), the Court shall give  
5                   prompt notification of the order to the other courts in  
6                   which the civil actions consolidated under the order  
7                   are pending.”.

8   **SEC. 21. AUTHORIZATIONS OF APPROPRIATIONS.**

9                   (a) TECHNICAL ASSISTANCE.—Section 306(f) of the  
10                  Toxic Substances Control Act (as redesignated by section  
11                  4 of this Act) is amended—

12                   (1) in paragraph (1)—

13                   (A) by striking “303, 304” and inserting  
14                   “304, 305”; and

15                   (B) by striking “and 1991.” and inserting  
16                   “1991, 1992, 1993, 1994, 1995, and 1996”; and

17                   (2) in paragraph (2), by striking “section 306”  
18                   and inserting “section 307”.

19                   (b) GRANT ASSISTANCE.—Section 307(j)(1) of the  
20                  Toxic Substances Control Act (as redesignated by section  
21                  4 of this Act) is amended by inserting before the period “,  
22                  and \$15,000,000 for each of fiscal years 1992, 1993, 1994,  
23                  1995, 1996, 1997, and 1998”.

24                   (c) SCHOOL REMEDIATION.—Section 307(j) of the  
25                  Toxic Substances Control Act (as amended by section 8(h)

1 *of this Act) is further amended by adding at the end the*  
 2 *following new paragraphs:*

3           “(5) *Of the funds appropriated pursuant to this*  
 4 *subsection for fiscal years 1994 through 1998, not*  
 5 *more than  $\frac{1}{3}$  shall be used to implement radon reme-*  
 6 *diation measures for local educational agencies pursu-*  
 7 *ant to subsection (c)(15).*

8           “(6) *Of the funds appropriated pursuant to this*  
 9 *subsection for fiscal years 1994 through 1998, the Ad-*  
 10 *ministrator may reserve an amount up to 2 percent*  
 11 *or \$200,000, whichever is the greater, for the purposes*  
 12 *of making grants or loans to local educational agen-*  
 13 *cies for the testing and implementation of measures to*  
 14 *reduce radon levels, if—*

15                   “(A) *the local educational agency is prohib-*  
 16 *ited by State law from receiving grant assistance*  
 17 *from the State; and*

18                   “(B) *each grant or loan is made in consid-*  
 19 *eration of the financial need of the applicant.”.*

20           (d) *REGIONAL TRAINING CENTERS.—Section 309(f) of*  
 21 *the Toxic Substances Control Act (as redesignated by sec-*  
 22 *tion 4 of this Act) is amended by inserting before the period*  
 23 *“, and \$1,500,000 for each of fiscal years 1992, 1993, 1994,*  
 24 *1995, and 1996”.*

1 **SEC. 22. TECHNICAL AMENDMENTS.**

2 (a) *TABLE OF CONTENTS.*—*The table of contents in*  
 3 *section 1 of the Toxic Substances Control Act (15 U.S.C.*  
 4 *2601 note) is amended—*

5 (1) *by redesignating the items relating to sec-*  
 6 *tions 303 through 311 as 304 through 312, respec-*  
 7 *tively;*

8 (2) *by inserting after the item relating to section*  
 9 *302 the following new item:*

*“Sec. 303. Priority radon areas.”;*

10 *and*

11 (3) *by adding at the end the following new items:*

*“Sec. 313. Disclosure of information concerning radon upon transfer of residen-*  
*tial dwelling.*

*“Sec. 314. Mandatory radon proficiency program.*

*“Sec. 315. Medical community outreach.*

*“Sec. 316. Federally owned and assisted homes, schools, and buildings.*

*“Sec. 317. National radon educational campaign.*

*“Sec. 318. Radon in work places.*

*“Sec. 319. Preemption.*

*“Sec. 320. Federal enforcement.*

*“Sec. 321. Citizen suits.*

*“Sec. 322. Periodic reassessment of health risks.”.*

12 (b) *RADON MITIGATION DEMONSTRATION PROGRAM.*—  
 13 *Section 118(k)(2) of the Superfund Amendments and Reau-*  
 14 *thorization Act of 1986 (42 U.S.C. 7401 note) is amended—*

15 (1) *in subparagraph (A)—*

16 (A) *by inserting “develop and” before “test*  
 17 *methods”;* *and*

18 (B) *by adding at the end of the subpara-*  
 19 *graph the following new sentence: “The dem-*

1        *onstration program shall include the develop-*  
 2        *ment and evaluation of innovative low-cost tech-*  
 3        *niques to reduce radon concentrations in existing*  
 4        *structure (in existence at the time of the pro-*  
 5        *gram), including structures with low to moderate*  
 6        *radon levels, and in new structures, and the de-*  
 7        *velopment and demonstration of radon mitiga-*  
 8        *tion technology for multistory buildings.”;*  
 9        *(2) by striking subparagraph (B); and*  
 10        *(3) by redesignating subparagraph (C) as sub-*  
 11        *paragraph (B).*

12    **SEC. 23. REPORT TO CONGRESS ON PROMOTING RADON**  
 13        **TESTING.**

14        *(a) EVALUATION.—The Administrator of the Environ-*  
 15        *mental Protection Agency, in consultation with the Sec-*  
 16        *retary of Housing and Urban Development, the Secretary*  
 17        *of Agriculture, and the Secretary of Veterans Affairs, shall*  
 18        *evaluate existing (in existence at the time of the evaluation)*  
 19        *efforts to promote radon testing in the homes of the United*  
 20        *States and methods to increase radon testing.*

21        *(b) REPORT.—*

22            *(1) IN GENERAL.—Not later than October 1,*  
 23        *1995, the Administrator shall report to Congress on*  
 24        *the effectiveness of alternative strategies to promote*  
 25        *radon testing. The strategies shall include—*

1           (A) grants to support the development of  
2           radon testing strategies by States;

3           (B) financial incentives to homeowners;

4           (C) testing and disclosure of radon levels  
5           during real estate marketing, including tech-  
6           niques to minimize the potential for test tamper-  
7           ing;

8           (D) public education programs;

9           (E) distributing radon information during  
10          real estate marketing; and

11          (F) distributing radon information with  
12          utility bills.

13          (2) *CONSULTATION.*—In preparing the report,  
14          the Administrator shall consult with concerned par-  
15          ties, including public interest groups, health officials,  
16          radon testing industries, realtors, home builders, utili-  
17          ties and the States.

18   **SEC. 24. PERIODIC REASSESSMENT OF HEALTH RISKS.**

19          Title III of the Toxic Substances Control Act (15  
20          U.S.C. 2661 et seq.) (as amended by section 20 of this Act)  
21          is further amended by adding at the end the following new  
22          section:

23   **“SEC. 322. PERIODIC REASSESSMENT OF HEALTH RISKS.**

24          “The Administrator, in consultation with the heads of  
25          the National Academy of Sciences and the Centers for Dis-

1 ease Control, shall conduct a program to reassess, on a peri-  
2 odic basis, the human health risks associated with radon  
3 exposure. The National Academy of Sciences shall prepare  
4 a report on the findings of the program not later than July  
5 1, 1995.”.

S 657 RS——2

S 657 RS——3

S 657 RS——4

S 657 RS——5

S 657 RS——6

S 657 RS——7

S 657 RS——8

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